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GERMAN CONSTITUTIONS

An article

A volume has been prepared by the Civil Administration Division, OMGUS, of the German text and English translation of the constitutions of the German states of Bavaria, Bremen, Hesse, and Württemberg-Baden in the U.S. zone; Baden, Rhineland-Palatinate, and Württemberg-Hohenzollern in the French zone; and Brandenburg, Mecklenburg, Saxony, Saxony-Anhalt, and Thuringia in the Soviet zone. In the British zone, the constitutions of the states of Lower-Saxony, North Rhine-Westphalia, Schleswig-Holstein, and the city of Hamburg were still under consideration.

The division of Germany into four zones of occupation made for significant differences in these constitutions. Within the U. S. zone, there is considerable diversity due to the fact that different political parties exercised varying influence in the states and that Military Government did not try to interfere with the deliberations of the bodies which drafted the texts. In both the French and the Soviet zones, the constitutions are more uniform since one political philosophy prevailed in shaping their articles—that of the Christian Democratic Parties in the French zone and that of the Socialist Unity Party in the Soviet zone.

In spite of these differences, there are obvious similarities in all of the constitutions. Basically, the results of German thought and continental concepts of cabinet government and of parliamentary practice are applied in all of them.

In some respects these constitutions cannot express the realities of powers and competences. The amount of jurisdiction reserved to Military Government varies greatly in the different zones. It is undoubtedly smallest in the U.S. zone. In economic matters the bizonal organization is exercising considerable central authority over the states. Since there is no central German government and no German agreement on its structure and jurisdiction, the distribution of powers between the states and a future federal government cannot be regarded as final. But all constitutions assume that the individual states will be part of a future Germany.

For all these limitations on their practical importance, the constitutions represent a genuine German effort to order the political and official life of the state. They express the ideological forces which are evident in modern society, within the setting of a defeated and divided country.

In many respects they are not only an indication of present problems but also a preview of the constitutional debates which may be expected in the period of federal reconstruction, which, one hopes, lies ahead.

The occupation forces which took over the U. S. zone in May 1945 were confronted with political and administrative chaos as the result of the collapse of the whole Nazi system. Democracy, as a political theory, as a personal philosophy, and as a system of governmental organization, had almost disappeared under the force of National Socialist theory and practice. Basic laws, administrative personnel, and daily operations alike had been thoroughly nazified.

Government and party had become so completely enmeshed and comingled that action which was immediately undertaken to destroy the Nazi Party inevitably paralyzed many essential public services. The German people as a whole had neither the energy nor the tools with which to create and support a democratic government. The occupation forces had to start rebuilding from the ground up.

In the months which have elapsed since the conclusion of hostilities, the U. S. Military Government endeavored to assist the Germans in their efforts to revive the will to democracy and to assist that will to express itself in practical political, economic, and social forms. Vital to this broader effort was the specific program for creating democratic political processes and institutions.

Basic also was the necessity of appointing public officials on all levels of government who, as trustees for the German people, would begin the long process of reestablishing popular government. These officials had to carry the dual responsibilities of preparing for a more stable period of democratic controls and exercising the interim functions of government.

The first step in the reestablishment of democracy was the reorganization of local and state units of government. At the outset it was necessary that German officials of all levels should work under the detailed direction and control of Military Government officers, but a degree of independence and responsibility was rapidly developed, first in local and then in state governments. At the suggestion of Military Government, the three

EDITOR'S NOTE: This article on the German constitutions is reprinted from the *Information Bulletin*, magazine of U.S. Military Government in Germany, issue of Mar. 9, 1948, p. 3.

states prepared municipal government codes which were reviewed, revised, and approved by Military Government in November 1945.

Codes for county government were approved in February 1946. Thus the necessary legal foundations were laid at municipal and county levels. The next step was the introduction of popularly elected local representative bodies. In September 1945 a schedule of elections was prepared under which municipal councils were elected in January 1946; councils in the rural counties in April 1946; and in the larger cities in May 1946.

It still remained to frame the structure for democratic state governments, each with an elected legislature, a responsible executive, and an independent judiciary. The aim was to clothe the state governments with authority and to charge them with responsibility to the greatest extent commensurate with the continued military occupation of Germany and the attainment of occupation objectives, bearing in mind that no central German government existed to exercise those powers which must be centrally vested.

In February 1946 the three ministers-president were authorized to appoint preparatory constitutional commissions. These commissions reviewed constitutional problems and prepared draft constitutions for consideration by state constitutional assemblies. The delegates to these assemblies were elected by popular vote on June 30, 1946, and began their work in the following month.

The constitutions of the states in the U. S. zone are German in origin, spirit, and preparation. They spring from no Military Government dictate but from the needs and minds of the German people. Military Government insisted that the reestablishment of democracy cannot spring from a dictated constitution, that to enlist the wholehearted support of the German people, the constitutions must represent their will and not that of the occupation forces.

The specific process of constitution-making was guided by Military Government only through a general statement of basic principles of democratic organization which is contained in the September 30, 1946, directive, entitled "Relationships Between Military and Civil Government (U. S. Zone) Subsequent to Adoption of Land Constitutions". The statement of democratic principles was specifically interpreted and applied to certain provisions of the constitutions.

The constitutional conventions which were elected in June varied materially in party composition. The Hesse convention consisted of 90 members made up of 43 Social Democrats, 34 Christian Democrats, 7 Communists, and 6 Liberal Democrats. In Württemberg-Baden the 100 members included 41 Christian Democrats, 32 Social Democrats, 17 Democratic People's Party representatives, and 10 Communists.

In more conservative Bavaria the 180 members were distributed as follows: 109 to the Christian Social Union, 51 to the Social Democrats, 8 to the Communists, 8 to the Economic Reconstruction Party, and 4 to the Free Democrats. Like other democratic constitutions, these state constitutions embody basic compromises dictated by conflicting interests.

Rather than working through a variety of specialized committees, as is the practice in the United States, the convention employed a single drafting committee for the preparation of the document which was submitted to the full assembly for action. Prior to committee action, the party leaders prepared agreements upon particular articles, submitted those agreements to party caucuses, and subsequently referred the proposals to the drafting committee.

The latter then approved the proposals in accordance with prior party decisions and reported them to the full assembly for adoption. Assembly adoption was usually a foregone conclusion, but certain questions provoked lively debates and divisions in the plenary sessions. The conventions convened on July 15, 1946, completed the drafts of the constitutions about two and a half months later, and then recessed.

Having been approved by the conventions, the constitutions were referred to Military Government for review in terms of the principles of democracy, which the latter had already established as the standards for constitutional adequacy. As a consequence of this review, several suggestions and, in some cases, several required changes, were forwarded by Military Government to the conventions. The Deputy Military Governor then approved the constitutions subject to the general and special qualifications set out in his letters of October 21 to Württemberg-Baden, October 24 to Bavaria, and October 29 to Hesse.

After Military Government review and approval, the Bavarian constitution was adopted in its final form by the convention on October 26, the vote being 136 to 14, with 30 members absent or not voting. Württemberg-Baden on October 24 gave final approval to its constitution by a vote of 88 to 1, with 11 delegates absent or not voting. The vote in Hesse on October 29 showed 82 in favor, 8 opposed, and 2 absent.

The state status of Bremen was not established until January 1947, and hence its constitution-making process was delayed. Due to its small size, the existence of an elected legislature, and the confusion that might result from an excessive number of elections, the procedure followed in the other states was varied by omitting the election of a constitutional convention and permitting the legislature to provide for constitution-drafting. In August 1947, a draft was adopted and submitted to OMGUS. Approval, subject to certain gen-

eral and specific reservations, was given on September 5. Two compromise articles adopted thereafter by the Bremen legislature with *Omgus* approval resulted in almost unanimous support for the constitution as it was submitted for referendum, the vote being 79 to 4.

When submitted by the conventions of the three southern states to the people late in 1946, the constitutions were ratified.

In Württemberg-Baden 72.2 percent of the eligible voters went to the polls; 68.6 percent of those voting approved the constitution; 10.5 percent disapproved the document; and 20.9 percent of the ballots were invalid.

In Hesse 72.7 percent of the eligible voters participated in the election, of whom 67.1 percent approved the constitution; 20.3 percent disapproved; and 12.5 percent invalidated their ballots. As was required by the Deputy Military Governor's letter of approval, article 41 providing for the socialization of certain industries was subjected to separate popular referendum. In balloting on this question, 62.7 percent of the voters approved, 24.5 percent disapproved, and 12.8 percent were invalid.

In Bavaria 76.3 percent of the registered voters participated. The affirmative vote on the constitution was 65.7 percent; the negative, 27.2 percent; and the invalid, 7.1 percent.

On the same dates when the constitutions were ratified, the state legislatures were elected.

In Bremen in October 1947, 67.5 percent of the eligible voters participated in the referendum on the constitution, of whom 66.6 percent approved, 25.4 percent opposed, and 8 percent of the ballots were invalid. On the alternative wording for article 47 providing that works councils should have the right of equal co-determination with management in economic and personnel as well as social questions, 48 percent approved and 44.1 percent opposed the broader language.

Many provisions in the documents are taken word for word from the democratic Weimar Constitution and the constitutions of the German states adopted between 1919 and 1923. Other articles are strong reactions against the tyranny of the Nazi regime. Still others grow out of local political, economic, and social conflicts and compromises.

The legislative power is vested in a unicameral legislature elected by the people according to the principles of proportional representation. There is also an advisory senate in Bavaria. Provision is made in certain circumstances for direct legislation by the people through initiative and referendum, including referendum on constitutional amendments. The executive power is exercised under the direction of the minister-president and his cabinet who are chosen by, and responsible to, the legislature.

The constitutions of Hesse and Württemberg-

Baden clearly provide for the parliamentary form of government; the Bavarian constitution is somewhat ambiguous on this point and reflects convention sentiment favoring a more independent type of executive. An independent judiciary is established with a power of judicial veto which German court have usually lacked in the past, namely, to declare laws passed by the legislature unconstitutional.

Each constitution contains a long bill of rights—rights that are guaranteed to individuals or to groups, rights that are of a political, social, and economic character. In part, these rights are the traditional rights of the individual as formulated in the English revolution of the seventeenth century and the American and French revolutions of the eighteenth century; in part, they are the newer social and economic rights so much stressed in twentieth-century thought. Through the ordinary courts and through the administrative courts, these rights will be protected against legislative and administrative violation.

At the same time the constitutions recognize that no rights are absolute and that, particularly in times of emergency, restrictions are necessary.

Among the more controversial questions dealt with by the constitutions are relationships of the states to the future German government and to interim authorities, such as the Council of States (*Länderrat*) and the bizonal economic agencies; the socialization of industry; land reform; and problems of church and state with respect to such matters as state subsidies to churches, church taxes, and church control of public education.

Viewed as a whole, the constitutions represent notable attempts by the Germans themselves to rebuild democratic constitutionalism. The legislatures elected under the constitutions convened in December 1946, and each chose a minister-president and cabinet. Thus, at the beginning of 1947, 20 months after the cessation of hostilities, municipal, county, and state governments in the U. S. zone were all operating under democratically adopted constitutions and with popularly elected representative bodies.

In the Soviet zone, the Soviet Military Administration was obliged to begin managing essential civil services through their military commanders on all levels of government, utilizing such Germans as were available and trustworthy. Cooperation came most readily from former members of the German Communist Party and from Germans specially trained for administrative tasks and in communist ideology in Russia.

States and provinces were immediately organized on the basis of existing traditional units. However, certain territorial adjustments were made in the interests of administrative efficiency and convenience. Pomerania, west of the Oder-Neisse line, was attached to Land Mecklenburg.

The small section of Lower Silesia which remained within the present boundaries of Germany was incorporated into the Land Saxony.

Brandenburg was reestablished as a political unit, minus those parts which are now under Polish administration. The former independent Land Anhalt was joined to the Prussian province of Saxony, and Thuringia was extended by the inclusion of a small amount of former Prussian territory. Enclaves existing in the zone were eliminated. After quadripartite agreement on the dissolution of the State of Prussia, the former Prussian provinces received state status. There are now five states in the Soviet Zone: Brandenburg, Saxony-Anhalt, Saxony, Thuringia, and Mecklenburg.

Municipal and city councils were elected in September 1946, and county councils and state assemblies, legislatures, or parliaments, in October of the same year. These legislatures drafted state constitutions which, after review by the Soviet Military Administration, were promulgated between December 1946 and the end of February 1947.

The constitutions of the Soviet Zone states are almost identical in their provisions and occasionally identical in phraseology as a result of the dominant position of the Soviet-sponsored Socialist Unity Party.

The legislative power is vested in a unicameral legislature elected by universal suffrage and secret ballot, according to the principles of proportional representation. The legislature exercises legislative authority and control over the administration and the judiciary of the state. In certain specified cases provision is made for popular referenda.

The executive power is exercised by a minister-president who is chosen by and responsible to the legislature. The cabinet is composed of ministers who are nominated by the minister-president and confirmed by the legislature and are individually responsible for their activities and must resign if the confidence of the legislature is withdrawn.

A judiciary is established consisting of professional and lay judges nominated by democratic parties and organizations and elected by the representative bodies. While they are subject only to law, they are not permitted to question the constitutionality of properly enacted laws. When the question of the constitutionality of a law arises, decision is rendered by a special committee consisting partly of the legislative executives, partly of members of the high state courts and the university law faculties.

The communities and counties are recognized as self-supporting corporations. However, they execute those governmental functions that may be assigned to them by the legislature or the state government. Local governments and popularly elected officials are fully responsible to their assemblies and can be removed by them.

The economic freedom of the individual is guaranteed, but the economy of the state is to be organized according to the principles of social justice. The state government is responsible for economic planning. Monopolistic private enterprises are strictly forbidden, and certain enterprises may be socialized by law or referendum. Agricultural holdings are limited to a given size.

Public education is compulsory and unitary schools must be established. Higher education is provided for all without regard to social status or ability to pay. Religious freedom is guaranteed. Religious communities are organized as corporations of public law, and contributions made to them out of public funds are to be commuted by law.

Each constitution in the Soviet zone contains essentially the same basic rights as the constitutions of the U.S. and French zones. Like the constitution of the Soviet Union and constitution of Yugoslavia, the constitutions of the states in the Soviet zone make no mention of what is actually the most important organ of the state, namely the "state party", which performs the dual function of being a nervous system for the state bureaucratic apparatus and of mobilizing the general population to support state policies.

On the surface these constitutions seem to protect the citizen against arbitrary acts of the bureaucracy in that the executive is formally subordinate to the legislative, and all political powers are centered in the legislative branch as the "highest organ of the people's will."

Under the conditions where several liberal parties compete for political power, the Soviet zone constitutions would provide the basis for thoroughly democratic government under popular control. The leading party is, however, committed to the "unitary state" or one-party system.

Under this system the legislative branch is effectively mobilized and controlled by the party, leading functionaries of which also occupy leading bureaucratic posts, so that any effective opposition is silenced. The result is a *de facto* self-government by the bureaucracy, the supposed elements of popular control remaining merely a fiction.

The independence of the judiciary is also only apparent; they are, with few exceptions, instruments of political power subject as much to the manipulation of the ruling party as are the legislative and executive branches.

The French occupation forces on assuming control of the French zone in July 1945, had also to contend with many practical, geographical, and administrative difficulties. Their zone lacked unity. The southern part of the zone included the truncated portions of Württemberg and Baden, each of which formed a separate state. The northern half of the zone was composed of half a dozen more or less disparate elements, remnants of for-

mer Prussian provinces and other German states, which by an ordinance dated August 30, 1946, was finally organized into the Rhineland-Palatinate. The Saar from the very beginning was treated differently and has since been separated entirely from the rest of the French zone.

Thus, more than any other part of Germany, the French zone lacked cohesion. It contained no important administrative centers; all the provincial capitals remained outside its boundaries. The situation was aggravated by existing difficulties of communications between the northern and southern portions of the zone.

The process of reestablishing self-government in the area began in September 1945. About the same time trade-union activity was permitted, and, by the end of the year, political parties made their appearance in the zone. In May 1946 the communities in the French zone began preparation of electoral lists for municipal elections which took place on September 15, 1946. On October 13, county elections took place for county assemblies which, in turn, by November 17, designated members to the consultative assemblies.

In Württemberg and in Baden, each consultative assembly was composed of two electoral colleges, in the Rhineland-Palatinate of four: two for the Rhineland and two for the Palatinate. One electoral college was elected from all the county assemblies of the state and the other from the cities of more than 7,000 population.

The Christian parties emerged as the strongest throughout the zone. They held a clear majority in the consultative assemblies of all three states. The assemblies convened in November 1946 and proceeded to draft constitutions for their respective states. The constitutions were finally reviewed, approved by the French High Command, and voted upon by the people on May 18, 1947. The referendum concerning the constitutions was held simultaneously with the election of state assemblies, legislatures, or parliaments.

In Württemberg and in Baden the electorate accepted the constitutions by comfortable majorities. In the Rhineland-Palatinate it narrowly missed defeat, as did the separate referendum held on the school question. In the elections to the legislature the Christian parties registered losses in all the states but were still the strongest party.

The constitutions of the states in the French zone bear marked resemblance to the Bavarian constitution. The hand of the Christian parties is clearly discernible in each one of them. The three constitutions contain long and detailed bills of rights. The legislative power is uniformly vested in a unicameral legislature elected by the people.

The minister-president is elected by the legislature and is responsible to it. He in turn selects his ministers who must be approved by the legis-

lature. The ministers are responsible to the minister-president on matters of over-all policy and to the legislature on matters falling within their functional fields.

A constitutional court is established to review legislation and pass upon its constitutionality. All three constitutions take special pains to guard church interest. Religious instruction is to be imparted in all schools and to be supervised by the churches. Permissive clauses for the socialization of basic industries are included in all the constitutions. Adequate compensation is required in all cases. Property rights, especially land and real-estate rights, are safeguarded.

All constitutions give the minister-president power in cases of emergency to suspend for brief periods certain of the basic rights granted to the citizens. In all such cases the legislature must immediately be informed of this action. Denazification laws are specifically exempted from the constitutional provisions of the bill of rights.

On June 9, 1947, the French High Command in Germany issued Ordinance No. 95, a document comparable to the September 30 directive of the American Military Government. This ordinance makes the constitutions subject to Control Council and French High Command orders. Furthermore, certain spheres of activity pertaining to reparations, movements of population, dismantling, and occupational requirements are removed from the competence of the German authorities.

Proposals pertaining to decartelization, denazification, and democratization must be communicated to the French High Command before being introduced in the legislature. The state budget must make provisions for occupation costs. All laws must receive French Military Government approval before promulgation.

Although the French zone constitutions give the impression that the state governments are independently functioning entities, they are actually supervised by French Military Government to an extent even greater than that which would be suggested by a reading of Ordinance No. 95.

In addition to the specific subjects reserved to French Military Government by this order, there are also "legislative powers in the field of economics for which coordination between the states is required." On the strength of this latter provision the states have been forbidden to legislate on any branches within the fields of economics, food and agriculture, or transport.

While laws outside the prohibited and restricted categories may be introduced in a legislature without prior Military Government review, the Germans have been "advised" to submit them for prior review so that, for all practical purposes, there is advance clearance of everything the legislature does, in addition to a review, before promulgation, of legislation already enacted.

FOREIGN AID AND RECONSTRUCTION

International Law and the European Recovery Program

BY ERNEST A. GROSS¹

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Mr. Justice Holmes said that a page of history is worth a volume of logic. I propose to outline some of the facts of history which have necessitated the formulation of the European Recovery Program and to indicate its relation to certain other aspects of American foreign economic policy. I hope thus to put the Economic Cooperation Act of 1948 in perspective so that we who are concerned with the dynamics of international law may see the problem whole, rather than as a fragment.

The report of the Senate Committee on Foreign Relations enumerates some of the reasons why Europe is in need: "Economic nationalism, political tensions and uncertainty, war devastation, the prolonged interruption of international trade, the loss of foreign income and dollar funds, internal financial disequilibrium, shortage of supplies from southeast Asia, the wartime movement of peoples to certain areas of western Europe, and a 10-percent increase of population have all contributed to economic break-down in Europe. Germany, a focal point in the European economy, is paralyzed. Inflation is rampant. Subversive elements are hampering recovery and engineering social chaos."

This summary is of particular interest because it starts with "economic nationalism" and ends with a reference to subversive elements "engineering social chaos". Neither of these is, of course, unique to the postwar history of Europe and, as has been recently pointed out, the European revolutions of just a century ago posed the still unsolved problems of nationalism and Marxian socialism. It remained for the supreme demagoguery of Hitler to select a name for his party which suggested a twin solution; and it remained for the National Socialist Party to prepare the fields in which subversion thrives.

Economic conditions at the end of World War II resulted in the decision of most nations—the United States being a notable exception—to retain, if not to intensify, rigid trade controls and

to resort to discriminatory bilateral deals. Each country desperately conserved its small and precious stock of foreign exchange by limiting foreign purchases to goods and services most urgently needed, while at the same time attempting to persuade other countries, most of whom were in a like situation, to accept those nonessentials which had to be exported in order to provide necessary foreign exchange. Under such pressures a system of ever-increasing discriminations and restrictions on foreign trade tended to arise; and restrictionism and protection, once sampled, are strong drugs, the habit of which is not easy to break. At the time when increased international trade was an obvious necessity, restrictionism, bilateralism, and special dealism threatened effectively to strangle such trade.

Against this background, the Secretary of State, on June 5, 1947, in his now famous Harvard speech, announced that the United States Government would make efforts to "help start the European world on its way to recovery", if the countries of Europe would agree on the requirements and upon the part they themselves would take "to give proper effect to whatever action might be undertaken by this Government". Shortly after Secretary Marshall's statement, the Foreign Ministers of the United Kingdom and France invited the Foreign Minister of the U.S.S.R. to meet with them to consider whether a joint program for the economic recovery of Europe might be devised. The U.S.S.R. refused to cooperate on the ground that such a program "would lead to interference in the internal affairs of European countries". She also refused to permit Poland and Czechoslovakia to subject themselves to such interference.

In July 1947 the United Kingdom and France invited all European countries, other than Spain, to attend a conference to formulate such a program. The 14 nations which accepted this invitation, together with its initiators, formed a Committee of European Economic Co-operation, the members of which have now formed by treaty a European economic organization which will be of long-range and vital importance. The Committee of European Economic Co-operation issued a

¹ Address made before the American Society of International Law in Washington on Apr. 23, 1948, and released to the press on the same date.

comprehensive report in September which is a monumental tribute to the ability of likeminded nations working together to achieve agreement and important results in fields previously marked by controversy and dissension. The response of the United States was the enactment, on April 3d, of the Economic Cooperation Act of 1948.

The United States has also for several years been developing a long-range program which will not only complement the European Recovery Program but also is designed to insure permanent enjoyment of the benefits to be expected from the European Recovery Program. This other program has culminated in the recommendation by 58 nations of the world of a charter for a proposed International Trade Organization. The objectives of the Economic Cooperation Act are stated, in part, as "the establishment of sound economic conditions, stable international relationships and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance". The "progressive elimination of trade barriers" is cited as a primary policy of the Act.

The Havana Charter of the International Trade Organization states, as certain of its objectives, the making of a contribution to a "balanced and expanding world economy" and the achievement, through reduction of trade barriers and elimination of discriminatory treatment in international commerce, of the aims of the United Nations. The two programs go hand in hand. They are facets of the same crystal. Together they indicate the faith of the United States in the necessity for closer economic cooperation among nations and the sure knowledge of the interdependence of the economies of the world, one upon the other. To speak in the terms of Toynbee, they are the response of the free nations of the world to the stimulus of adversity, of bitter economic and political developments. And it is worth noting that Toynbee demonstrates that, within limits which will themselves be established by this response, the rule is that the magnitude of the challenge is the measure of the response.

The report of the Senate Foreign Relations Committee on the ERP bill said: "The decision which must now be made is whether we shall continue the effort to achieve our goal: The establishment of a stable world with free political institutions and the rule of law".

Fundamentally, then, the problem is that of international law not so much in relation to the European Recovery Program, nor to the International Trade Organization, but in relation to the changing economic—and therefore political—interaction and interrelation of the nations of the world. For these relations are changing and will change. And, as change in the relations of man to man reflects itself, sometimes tardily, in the

internal law of nations, so this change in international relations—this weaving together of economies—will affect international law. It is our task to see that international law is a ready tool, not for change for the sake of change, but for the real interests of nations and peoples.

To carry out our task we must see whether such programs for economic cooperation as ERP have already modified—or indeed violated—what are established principles of international law. One question which leaps to mind is, of course, whether the effort toward economic cooperation conflicts with the concept of territorial sovereignty—a charge which might be lightly dismissed did it not indicate misconception or mischief.

It is a charge which must be appraised in the context in which it is most frequently made, and which was keynoted by the declaration adopted at the first meeting of the Cominform: "The Truman-Marshall plan is only a constituent part, the European subsection, of a general plan for the policy of global expansion pursued by the United States in all parts of the World".

The hollowness of the charge is most apparent when viewed against the dogma of the Chief of the Soviet State, announced more than 15 years before the so-called "Truman-Marshall Plan", that the premises of the proletarian revolution must start "from the point of view of the state of world economy, inasmuch as the individual countries and individual national economies are no longer independent economic units . . . and inasmuch as the old 'civilizing' capitalism has grown into imperialism and imperialism is a world system of financial bondage . . . (Stalin, *Foundations of Leninism*, 1932).

There is, indeed, in the two programs of economic cooperation I am discussing, no conflict with established concepts of sovereignty. The charter of the International Trade Organization will come into effect, when it does, by the ratification of the states making up the Organization—a ratification which will in itself be a re-affirmation of the rights of sovereignty. So also the charter of the European cooperation organization is to be ratified by the members, and the provision of assistance to the members will be made possible by agreements to be negotiated between the United States and the other cooperating states.

The Senate Foreign Relations Committee report reveals the legislative consideration of this subject:

"In stressing the importance of these obligations (i.e., those embodied in the multilateral undertakings), the Committee was sensitive to the fact that the countries of western Europe are highly developed sovereign nations and would be properly resentful of any interference from the outside in their internal affairs. There can be no possible criticism on this score inasmuch as the

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undertakings were voluntarily assumed by the Committee of European Economic Co-operation countries upon their own initiative and in no sense represent an attempt on the part of the United States to impose restrictions on the sovereign rights of the participating countries."

It is appropriate to recall the remarkable treatise of Fedor Martens, who served 40 years in the Russian Foreign Office and who, long before his death in 1909, had earned the sobriquet of "the Chief Justice of Christendom" for his work as an arbitrator. In 1883 he wrote: "Looking to their own progress and that of their citizens, states must enter into relations among themselves, seek in other countries the resources which they may lack and in return offer their assistance to other peoples for the attainment of legitimate purposes. In fulfilling their essential duties they depend upon one another. The degree of their mutual dependence is in proportion to the degree of their civilization and education". This is not far from the language of article 1 of the charter of the Iro nor from the language of section 102(a), title I of the Economic Cooperation Act of 1948. The latter states:

"Recognizing the intimate economic and other relations between the United States and the nations of Europe, and recognizing that disruption following in the wake of war is not contained by national frontiers, the Congress finds that the existing situation in Europe endangers the establishment of a lasting peace, the general welfare and national interest of the United States, and the attainment of the objectives of the United Nations."

In fulfillment of this policy, the Act goes on to offer to the cooperating nations that very assistance of which Martens spoke.

Still less substantial is the question whether the economic policies of the United States, as exemplified in these two programs, are in conflict with the Charter of the United Nations. The preparation of the charter of the International Trade Organization was in fact sponsored by the Economic and Social Council of the United Nations. The European Recovery Program accords with the procedures and the objectives of the Charter of the United Nations and explicitly contemplates coordination with the specialized agencies of the United Nations. The Committee of European Economic Co-operation was careful to point out in its general report that, wherever suitable international machinery exists, it is the desire of the participating countries that their collective tasks be undertaken within the framework of the United Nations.

But although existing institutions and established concepts have been respected, it remains true that fundamental changes in economic relations among nations may well develop new inter-

national law. New economic problems of the merchants of the world inspired the work of such men as Lord Mansfield in the development of commercial law. The vitality of the common law lies in its adaptability to new circumstances. Whether, since August of 1945, when the war ended, there has been a sufficient change in the economic facts of the international community to compel fundamental reexamination of established concepts of international law may well be doubted. But the change is sufficient to put all of us on notice.

Certainly, it is clear that other new and important problems of international law are raised by the two programs we have been considering. I may take, because time is brief, only a few examples from these two programs.

In connection with the proposed charter of an International Trade Organization, the members confer upon the Organization certain powers of review over their freedom to take economic measures which in the past have been considered essentially matters of domestic concern and at most the subject of bilateral and generally very limited treaties. This is, I think, a fair example of the truth of the proposition laid down by the Permanent Court of International Justice in the case of the Tunis-Morocco nationality decrees: "The question whether a certain matter is or is not solely within the jurisdiction of a State is an essentially relative question; it depends upon the development of international relations."

More specifically in the field of the international lawyer are those provisions of the International Trade Organization charter for review by the International Court of decisions of the Iro. At Geneva, in the preparatory committee stage of the work on the charter, and again at Havana, where the final charter draft was prepared, these provisions were the subject of close scrutiny and much discussion. Basically the provision in the charter is for review of decisions of the Organization by means of a request to the International Court for an advisory opinion. The Organization may be required by a single member to ask for such an advisory opinion; and the advisory opinion is binding upon the Organization. Manifestly, international review of decisions of as wide-ranging economic scope as those of the Iro raises new and important problems.

It may be questioned, for example, whether the advisory opinion technique is really the best for review of Organization decisions. But the use of that technique was dictated by the Statute of the International Court of Justice which would preclude the Iro from itself being a party to a case brought before the Court by a member.

Another problem which may compel reexamination by students of international law is that of review by a judicial body of what are essentially

administrative decisions in the international economic field. The relations between domestic courts and administrative bodies, such as the Securities and Exchange Commission, the Federal Trade Commission, the National Labor Relations Board, have been the core of a growing body of jurisprudence within the United States. It may be that the problem of judicial review of decisions of the International Trade Organization is the precursor of a similar development in the international field. As economic cooperation between nations increases and as nations bind themselves to take joint action or to be governed by the decision of a jointly established organization or body, familiar problems will arise of freedom of administrative decision, deference to the expert judgment of the administrator, with adequate judicial guaranties of the fundamental rights and of adherence to the rules of fair play.

Of particular interest to the international lawyer are the provisions of the multilateral reciprocal undertakings of the participating countries. These include an agreement to cooperate with "one another and like minded countries" to reduce tariffs and other barriers to the expansion of trade; to remove progressively obstacles to the free movement of persons in Europe; and to organize together the means whereby common resources can be developed in partnership. The procedures by which these and the other multilateral undertakings will be implemented will pose new problems in international law. The new organization established only this month by the participating countries to provide the mechanism for implementation also sets a new pattern in international economic relations. This new organization is responsible for coordinating the recovery programs of the member nations; for making possible cooperative action; and for assuring the United States that our assistance is being utilized in such a manner as will best work for the recovery of all participating countries rather than for the sole benefit of the individual country.

The relationship with each of the participating countries to the United States is also of considerable interest to the lawyer. Although the United States is not a party to the multilateral agreement, nor a member of the continuing organization, the Economic Cooperation Act makes clear that the continuity of our assistance will be dependent upon the continuity of cooperation among the participating countries. Further, the provision of assistance by us to any one of the participating countries requires that it conclude with the United States a bilateral agreement, the terms of which in large part are taken from the pledges which the countries themselves exchanged with each other in September 1947.

Section 115(b) of the legislation provides for the inclusion in such agreements, where applicable, of certain important provisions. The participat-

ing countries will agree with us to cooperate with each other in reducing barriers to trade among themselves and other countries. Further, each participating country must take measures to locate and identify and put into appropriate use the assets and earnings therefrom belonging to its citizens where such assets are located within the United States, its territories, or possessions. This provision, which the legislative history makes clear does not require forced liquidation of the assets, is based on the concept that idle, hoarded, or unproductive assets should be put to use. The concept is not a new one; wartime decrees of, for example, the United Kingdom and the Royal Netherlands Government-in-exile, were directed at placing into use the assets in this country belonging to their citizens. In this instance, however, the requirement that the participating countries put these assets to use in furtherance of the recovery program stems from our legislation. The problem for the lawyer, recognizing the need for and the justice of such action, is to assure accomplishment of the objective in a manner that does not prejudice the legitimate stability of private international investment in its important role in the modern international economy.

The bilateral agreements are also to provide that the participating countries will agree to negotiate suitable protection for the right of access for any United States citizen to the sources of materials, required by the United States as a result of the deficiencies or potential deficiencies in its own resources, on terms of treatment equivalent to those afforded the nationals of the participating countries.

The participating country is also to agree to submit for decision of the International Court of Justice, or any arbitral tribunal mutually agreed upon, any case espoused by this Government involving compensation for a national of the United States for governmental measures affecting his property rights. It can be expected that difficult problems will arise in connection with decisions which must be made by this Government as to which cases it will espouse under this provision and the extent to which we will require of citizens a demonstration that the local remedies are inadequate.

An over-all problem with respect both to the multilateral agreements among the participating countries and the bilateral agreements with the United States will be the applicability of article 36 of the Statute of the International Court of Justice, which provides that the states parties to the Statute may declare that they recognize "as compulsory *ipso facto* and without special agreement in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning: (a) the interpreta-

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THE UNITED NATIONS AND SPECIALIZED AGENCIES

The Palestine Situation

STATEMENT BY AMBASSADOR WARREN R. AUSTIN¹

U.S. Representative at the Seat of the United Nations

Since the United States introduced the resolution in the Security Council which led to the calling of this Special Session of the General Assembly, we believe it appropriate for us to outline at this early stage of our proceedings the nature of the problem which now confronts us. In essence, it is the establishment of peace in Palestine and the creation of conditions for a constructive political settlement.

The Palestine question first came before the United Nations at a Special Session of the General Assembly which convened in New York on April 28, 1947, in response to a request made by the United Kingdom on April 2, 1947. In that Special Session the United States supported the idea that a Special Committee, made up of neutral and disinterested members, should review the situation in Palestine and report to the regular session of the General Assembly which was to meet in September of last year. We supported such a Committee because we were aware that earlier efforts to find a solution for Palestine had been unavailing and because we were anxious to see the question dealt with by the United Nations on its merits, free from special interests and other factors which did not bear directly upon Palestine itself.

While the United Nations Special Committee on Palestine was at work, from May 26, 1947, until the submission of its report to the General Assembly on September 3, 1947, the United States Government scrupulously refrained from statements of policy or from acts which might in any way prejudice the work of that Committee. We were eager for it to have every possible opportunity to make an impartial study of the question and to recommend what seemed to it to be a fair solution.

Inherent in our attitude was a desire to give very great weight to the work of such a Committee.

¹ Made on Apr. 20, 1948, to the Political and Security Committee (First Committee) at the Second Special Session of the General Assembly; released to the press by the U.S. Mission to the United Nations on the same date. Mr. Austin is Chairman of the U.S. Delegation to the Special Session.

United States Support of UNSCOP Report

The majority of the United Nations Special Committee on Palestine proposed a plan of partition with economic union. In the regular session of the General Assembly which convened in September of last year, the United States supported this majority proposal. In doing so, we sought certain changes in it which we thought would make the plan more workable. We proposed territorial revisions which reduced the size of the Arab minority in the proposed Jewish State, and we endeavored to strengthen that part of the plan providing for economic union. The United Nations Special Committee on Palestine itself had unanimously concluded that "the preservation of the economic unity of Palestine as a whole is indispensable to the life and development of the country and its peoples".

In favoring the plan for partition with economic union we were aware that the Arabs of Palestine were unwilling to agree to it in advance, that the plan was not acceptable in every respect to the Jews of Palestine, and that the United Kingdom had stated its unwillingness to take an active part in its implementation in the absence of agreement between the Jews and Arabs. The General Assembly made every possible effort to meet objections from these three sources. Had the Assembly taken all such objections at full value, no recommendations at all would have been possible. No plan could have met the views expressed to the Assembly by the United Kingdom and by the Jews and Arabs. The United Kingdom, however, had asked for recommendations of the General Assembly on the future Government of Palestine. It did not withdraw that request, nor did it propose any other type of United Nations action. It was up to the Assembly to recommend, specifically to the United Kingdom, what it considered to be a fair and equitable solution which could rightfully claim the cooperation of the people of Palestine and of the mandatory power as a final settlement for that troublesome question. In all of these debates and negotiations, the United States has sought a United Nations program because we believe that the interests of all nations are involved in the maintenance of order and peace in Palestine.

We and many other members of this Assembly

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hoped that the expression of general world opinion would influence the Arabs to give the recommendation of the Assembly a chance to work. We hoped that the United Kingdom would cooperate fully in carrying out those parts of the plan which it alone could carry out since it was in Palestine as the mandatory power. We hoped that the Jews would make every possible effort to compose their differences with the Arabs in an effort to reduce the violence which prevailed in Palestine. Events have not fulfilled these hopes.

Efforts for Peaceful Implementation

Following the passage of the resolution of the General Assembly of November 29, 1947, the United States attempted by diplomatic means to urge a moderate attitude upon the interested parties in order that a peaceful implementation of the plan for partition with economic union might be possible. We do not know what efforts have been made by other members of the United Nations to exert their influence along similar lines in support of the recommendation of the General Assembly. In any event, such efforts were not successful.

The Palestine Commission, established by the resolution of November 29, began in early January its task of carrying out the plan of partition with economic union. My Government wishes to express its great appreciation for the devoted work which this Commission has applied to its task and the effort which it has made, in the most difficult possible circumstances, to carry out the responsibilities imposed upon it by this Assembly.

Action of the Security Council

The resolution of the General Assembly on Palestine was considered by the Security Council in February and March.

On February 25, the United States offered a resolution, the first paragraph of which proposed that the Security Council resolve:

"To accept, subject to the authority of the Security Council under the Charter, the requests addressed by the General Assembly to it in paragraphs (a), (b) and (c) of the General Assembly Resolution of November 29, 1947."²

If accepted, it would have placed the Security Council behind the plan of partition with economic union.

This United States proposal failed to receive the necessary support. In the vote which took place on March 5, the first paragraph obtained only five affirmative votes, including the vote of the United States. The record is as follows (I refer to S/PV 263, page 34): in favor—Belgium, France, Ukrainian S.S.R., U.S.S.R., United States; against—none; abstentions—Argentina, Canada, Colombia, Syria, United Kingdom. The result was five in

favor, none against. The paragraph was rejected.

Amendments to the remainder of our resolution were proposed. We accepted most of these suggestions in the hope that the consultation among the five permanent members called for in the resolution would facilitate agreement on a course of action and promote peaceful implementation of the Assembly resolution. The resolution was then adopted by a vote of 8 to 0 with Argentina, Syria, and the United Kingdom abstaining.³

During a period of intensive consultation—many meetings being held—among the permanent members, the mandatory power, the Palestine Commission, and the representatives of the Jews and Arabs of Palestine, the following finding was reported to the Security Council (I refer to S/PV 270, page 7, no. 4): "The Palestine Commission, the mandatory power, the Jewish Agency and the Arab Higher Committee have indicated that the partition plan cannot be implemented by peaceful means under present conditions".

By the middle of March we recognized that time was fast running out.⁴ The only certainty was that grave disorders were occurring daily in Palestine and that even greater bloodshed could be expected after May 15th. That prospect presented a hard choice to the United States as a member of the United Nations. We could take an inactive position and let the situation move on to inevitable chaos. The alternative was to suggest some emergency action to preserve the peace, running the risk of the misunderstanding which would accompany any such effort on our part. My Government considered that the only decent course lay in an effort to save lives, and we found that our colleagues in the Security Council were ready to move in the same direction.

Truce Efforts

The United States, therefore, along with other members of the Security Council, turned to an attempt to effect a truce in order to bring to an end the serious fighting now occurring daily in Palestine and to forestall even greater bloodshed after May 15th.⁵

The report of the United Nations Palestine Commission directed to this Special Session states that "Arab elements, both inside and outside of Palestine, have exerted organized, intensive effort toward defeating the purposes of the resolution of the General Assembly. To this end, threats, acts of violence, and infiltration of organized, armed, uniformed Arab bands into the Palestinian terri-

² BULLETIN of Mar. 7, 1948, p. 297.

³ *Ibid.*, Mar. 14, 1948, p. 344.

⁴ *Ibid.*, Mar. 28, 1948, p. 402. See also *ibid.*, Apr. 4, 1948, p. 451.

Ibid., Apr. 18, 1948, p. 514.

tory have been employed". Our own information confirms this part of the Palestine report. The primary reason why the General Assembly's resolution of November 29th could not be carried out by peaceful means was Arab resistance. Some of this resistance, arising from outside Palestine, is in clear violation of the Charter of the United Nations and must be halted.

The Jewish Agency for Palestine has demonstrated that it is prepared to accept the resolution of the General Assembly of last November 29, despite the fact that this resolution did not represent the full measure of their claims. We must recall, however, that elements in the Jewish Community have resorted to wide-spread terrorism and wilful murder since November 29, 1947. Such activities have shocked the entire world, have served to inflame still further the Palestine question, and have made it more difficult for the United Nations to find a peaceful solution to the Palestine problem.

Responsibility of Palestinians

It seems to us clear that the primary responsibility for reaching a peaceful settlement of this problem rests upon the people of Palestine. Instead of serious and responsible efforts to resolve their differences, we see bitter retaliatory fighting and an apparent determination to seek a solution by force of arms rather than by force of reason, adjustment, and persuasion. We do not believe that the peoples of Palestine are entitled to appear before the United Nations to assert demands which must be accepted by the other party and the world community as the only alternative to war.

Meanwhile, the United Kingdom has steadfastly held to May 15 as the terminal point of the mandate and to August 1 as the final departure date of the remaining British forces.

Faced with these British deadlines and mounting conflict in Palestine, the Security Council in the early hours of last Saturday morning acted to establish a truce. This action of the Council needs and deserves the full support of all the members of the United Nations.

Cooperation Essential for Truce

Further action on the truce by the Security Council may be required. It may be necessary to establish in Palestine a truce commission of the Council and to make available to the commission a limited number of police to assist in supervising the truce and to reinforce the local police in controlling irresponsible elements. At the heart of the matter is the need for those who control the Arab and Jewish populations of Palestine to cooperate to the fullest in the enforcement of the truce called for by the Security Council.

* Not printed here.

Since the truce itself does not insure the continuance of governmental authority in Palestine, the United States believes that consideration should be given by the General Assembly to the establishment of a temporary trusteeship which might provide a government and essential public services in that country pending further negotiation. If the mandatory power actively cooperates, the General Assembly would be able to establish United Nations governmental authority in Palestine. Under the trusteeship provisions of the Charter, the General Assembly has authority to accept responsibility which goes far beyond its powers of recommendation. The United Nations itself can become the administering authority.

United States Suggestions for Trusteeship Agreement

The United States does not wish to confront the General Assembly with a draft trusteeship agreement which has been worked out in every detail or to present in any formal sense a draft trusteeship agreement. We have, however, prepared some suggestions which are based largely upon a draft statute which the Trusteeship Council developed for the territory of Jerusalem, as well as upon suggestions which have been made informally by several members of the Security Council. These suggestions are in the form of a working paper which we feel represents to a very considerable degree a collective view.

I call your attention to a paper which is before you (AC/1/277 of 20 April 1948, second special session, first committee), "Draft Trusteeship Agreement for Palestine".^{*}

The Assembly may consider that for a temporary trusteeship it is not advisable to go into too much detail in the terms of the trusteeship agreement. Indeed, it has been suggested by several delegations that the terms of the agreement might be kept very general and that it could be very much shorter than the draft which had been elaborated for the City of Jerusalem. The United States Delegation, for its part, would find acceptable either form for the temporary agreement which it hopes will be reached by this Assembly.

We believe that the agreement should be subject to prompt termination whenever there is general agreement upon a permanent solution of the Palestine problem.

Government of Palestine

We also believe that while supervision of the agreement should be exercised by the Trusteeship Council on behalf of the United Nations the major governmental functions should be exercised by a Government of Palestine, acting in accordance with the terms of the agreement and under such instructions as the Trusteeship Council might find it necessary to give.

Such a Government of Palestine should be headed by a Governor-General appointed by and responsible to the Trusteeship Council.

The Government of Palestine should preferably include a democratically elected legislature, possibly in two chambers, but if such a body could not be promptly established the Governor-General should, we believe, be authorized to legislate by order.

Security Forces

The trusteeship agreement should provide also for the maintenance of law and order in Palestine, and the Governor-General should be authorized, if necessary, to call upon certain states specified in the agreement to assist in the maintenance of order.

The agreement, we believe, should make it possible for the Government of Palestine to take over and continue existing central services necessary to carry on the government. Specific provision, we think, would also have to be made for immigration into Palestine on some agreed basis and for a policy of land purchase.

Finances

In the view of the United States Government, the standard of living and public services in Palestine should be based in general upon the levels which can be supported by the resources of Palestine so that large subsidies by the United Nations should not be anticipated.

If funds are required for carrying out any recommendation of the Trusteeship Council which cannot be raised by the Government of Palestine, such funds, we believe, should be supplied as subsidies or recoverable loans by the United Nations as a whole on the regular scale of contributions to the budget of the United Nations. The Palestine budget, we believe, should be handled as a separate budget and not as part of the ordinary budget of the United Nations.

Holy Places

The trusteeship agreement should contain adequate guaranties for the protection and preservation of the Holy Places in Palestine with access to all places of worship by those who have an established right to visit and worship at them. Also the trusteeship agreement should contain provisions for handling disputes pertaining to them. It should also assure, subject to the necessary safeguards of public order and security, freedom of entry into Palestine for foreign pilgrims and persons who desire to visit the Holy Places.

Such points as these should be thoroughly examined by the appropriate committee of this Assembly with a view to perfecting the terms of a temporary trusteeship agreement. We hope,

therefore, that the First Committee will ask the Fourth Committee to undertake this task immediately.

Trusteeship a Standstill—Not a Solution

We do not suggest a temporary trusteeship as a substitute for the plan of partition with economic union or for any other solution of the Palestine problem which may be agreed upon by the Jews and Arabs of that country. We consider it an emergency measure to insure public order and the maintenance of public services. The truce and trusteeship together envisage a military and political standstill to save human life and to make possible further negotiations on a final political settlement. As we see it, the truce and trusteeship would be entirely without prejudice to the rights, claims, or position of the parties or to the character of the eventual political settlement.

Economic Development of Palestine

It is not enough to provide only for law and order in Palestine. If the United Nations accepts temporary responsibility for the Government of Palestine, everything possible should be done to promote the economic recovery and development of the country for the mutual benefit of all of its inhabitants. The record shows that the peoples of Palestine can and will work together for their mutual welfare if given a reasonable chance to do so. All over Palestine Jews and Arabs have collaborated on such fundamental problems as irrigation and water supply, transportation, and sanitation. It should be an important function of a temporary government to promote such collaboration. If we really want to reduce and prevent violence, we will take measures to substitute tools for weapons. That will be much less costly and much more successful than attempting solely to maintain police authority. It will also reduce the emphasis on political bitterness.

We are dealing with people who, like people everywhere, are interested in the common things of life—the education of their children, the improved cultivation of their land, more and better food, more power for their industries, greater opportunities for themselves and their children in jobs and business and farming. Peace is not an ominous quiet but a substitution of the tractor for the tank.

Role of United Nations Agencies

Here, the many resources of the United Nations might be mobilized. The United Nations is not concerned solely with the solution of conflict and with the maintenance of peace. The Organization and its members are obligated by the Charter to promote international economic and social cooperation. We believe that when the fighting stops, a real opportunity will open up for joint action by Jews and Arabs, assisted by the United

Nations, its specialized agencies, and the proposed Economic Commission for the Middle East, to develop the economic potentialities of Palestine. Attention might be given to plans for harnessing the River Jordan, for draining the swamplands near its source, and for reclaiming new areas of arid land in order that they might bloom once again as in Biblical times. Attention could be given to other proposals, such as the one for digging a canal to allow the water of the Mediterranean to flow into the Dead Sea depression, thereby affording people electric power, not only for Palestine but for surrounding countries.

Practical projects for the development of hydroelectric power might be unfolded in such a way as to warrant the financial assistance of the International Bank for Reconstruction and Development. The Food and Agriculture Organization might assist in the fruitful utilization of reclaimed areas. The World Health Organization might be asked to assist in combating the danger of malaria around the headwaters of the Jordan. The International Labor Organization might contribute to the improvement of working and living conditions. In the fields of education and culture and of scientific experimentation, the temporary government of Palestine might enlist the advice and assistance of the United Nations Educational, Scientific and Cultural Organization.

A peaceful Palestine should also attract private investments which would contribute, in many ways, to its economic development.

People who now disagree concerning the form of government which should ultimately be established for Palestine have in common a devotion to that land and a desire for its development. On projects such as those which I have mentioned, they could collaborate for the promotion of the common weal.

Basic United Nations Purposes

From the beginning our purposes as members of the United Nations have been to prevent a situation likely to endanger peace in Palestine and in the world and positively to facilitate a peaceful settlement with self-government and a chance for orderly social and economic development.

RESOLUTION CONCERNING DRAFT STATUTE FOR THE CITY OF JERUSALEM¹

WHEREAS, the General Assembly by its Resolution of 29 November 1947, requested the Trusteeship Council to elaborate and approve a detailed Statute for the City of Jerusalem within five months of the date of passage, i.e., by 29 April 1948; and

The Trusteeship Council,

Taking note of the resolutions adopted by the Security Council concerning the future govern-

¹ U.N. doc. US/T/15. Adopted by the Trusteeship Council on Apr. 21, 1948.

These purposes still stand. The responsibility is still an international one. But the hard fact is that we must protect our chances of achieving those purposes by establishing the conditions to make them possible.

The sequence of events shown in the historical review with which I began has landed us very near a dangerous deadline, requiring emergency action. As we see it, this is an emergency or holding action. It is an action to insure order and government and thereby to make possible the working out of a peaceful settlement and constructive development in Palestine. This action I have described under the headings of truce, temporary trusteeship, and economic development.

Joint Responsibility for Trusteeship

The United States has raised with certain other governments the question of joint responsibility for the security of a trusteeship. These discussions have thus far produced no tangible result. The United States is willing to undertake its share of responsibility for the provision of police forces which are required during a truce and a temporary trusteeship, along with other members who may be selected by the General Assembly and who are willing to carry out such a task in accordance with the will of the Assembly and with the provisions of the Charter.

While the United States is prepared to carry its fair share of the United Nations burden involved in such a temporary trusteeship, it is not prepared to act alone in this matter. Our participation will be conditioned upon a readiness of other governments to provide similar assistance.

It is easy, particularly in regard to Palestine, to point out difficulties and objections to any course of action. It is not easy to come forward with practical and responsible suggestions to meet the situation. We are confronted here with a problem of unusual complexity and one which presents a most serious challenge to the United Nations. It can be met only if the mandatory power, the Jews and the Arabs of Palestine, and all of the members of the United Nations take an active part in seeking a settlement in the spirit of the Charter.

ment of Palestine dated 5 March 1948, and the convocation of the Special Session of the General Assembly for the purpose of considering further "the Future Government of Palestine";

Transmits to the General Assembly for its information, together with a copy of the draft Statute for the City of Jerusalem (Document T/118/Rev. 1), the following resolution adopted by the Trusteeship Council on 10 March 1948:

(Continued on page 578)

The Little Assembly of the United Nations

BY PHILIP C. JESSUP¹

Deputy U.S. Representative on the Interim Committee of the United Nations

This first national conference of the regional officers of the International Relations Clubs is a significant event. I have followed for a good many years the work of the International Relations Clubs with a great deal of interest and admiration for the results of your work. The establishment and operation of these clubs constitute one of the substantial contributions of the Carnegie Endowment toward the attainment of international peace. I hope this is merely the first of a series of similar national conferences. You regional officers of International Relations Clubs are in key positions. Your own opinions are important, and you have an opportunity to exercise an influence on the thinking of an important section of American opinion.

In giving you tonight a thumb-nail sketch of the work of the Little Assembly of the United Nations, I should warn you that I approach the subject from an optimistic point of view. One of the most subtle definitions of the difference between the optimist and the pessimist is the one which says that the optimist is a person who *thinks* this is the best of all possible worlds while the pessimist is one who *knows* that it is. The pessimist sees no hope for improvement. The basic reason for optimism in considering the United Nations is the fact that there is ample opportunity for development and change. We are witnessing rather rapid developments and rather notable changes. The organization is still in its infancy, and one cannot expect that the developments and changes will constantly be revolutionary. A pessimistic outlook in regard to the United Nations comes from a concentration on the headlines in which you find stress on the crises and the difficulties.

The optimistic outlook comes from a detailed examination of the facts and from putting those facts in their proper perspective. A good example of what I have in mind is afforded by the dispute between Albania and Great Britain regarding the damage to British warships in the Corfu Channel. That event in 1946 and the British charge that Albania was responsible for the damage made the headlines. Public attention was still concentrated on the case during the rather violent debates in the Security Council. The Russian defense of the Albanian position against the British contentions seemed to illustrate once again the so-called split between the "East and West". As soon as the case neared peaceful settlement when the Security

Council decided to recommend to the parties that they refer the legal questions involved to the International Court of Justice, the case began to drop out of the news. When on March 25 of this year, the Court handed down its decision, it received only minor coverage on inside pages of the papers. People's attention was not drawn to the fact that the United Nations Court in its first decision had rendered a unanimous opinion concurred in by all 15 of the regular judges, with no split between the "East and West". There was very little in any of the news coverage of the trial to reveal the atmosphere of complete courtesy and good will which characterized all of the proceedings.

Membership

The seriousness of the international situation is apparent, and I have no desire to minimize it. Its essential nature has been made clear in recent addresses and statements by the President and by the Secretary of State. The address by the President to the Congress on March 17 contained far-reaching recommendations concerning the steps necessary to enable the United States to make the peace secure and to prevent war. It is not my purpose tonight to discuss the recommendations regarding the military measures which the President has recommended. I do wish to remind you that he placed equal emphasis on our support of the United Nations. He repeated the point which had previously been stressed on behalf of the Administration that "the door has never been closed, nor will it ever be closed to the Soviet Union or any other nation which will genuinely cooperate in preserving the peace." However, the refusal of the Soviet Union to cooperate at any stage cannot and does not deter the other Members of the United Nations from pressing forward with the development and use of that organization. Fifty-one members of the United Nations are continuing their cooperation in the Little Assembly. The Soviet Union and the five other states which follow the Soviet lead are entitled to seats in the Little Assembly and may occupy them whenever they wish to join in this particular process of international cooperation. They could have taken their places this week, and they can take them next week.

¹ Address made before the First National Conference of the Regional Officers of International Relations Clubs of the Carnegie Endowment for International Peace, St. Louis, Mo., on Apr. 10, 1948 and released to the press by the U.S. Mission to the U.N. on the same date.

The 51 states which are participating in the work of the Little Assembly are doing so in a spirit of broad accommodation and mutual confidence. The six other members would be free to participate in that same spirit or even to participate in angry and vituperative opposition. They are free to choose their own method. At present they choose the method of non-cooperation.

It cannot be denied that their absence from the Little Assembly makes the process of discussion and negotiation and study easier than it would be if they were present. It must also be recognized that their absence may make some of the results of the Little Assembly's work less conclusive than they would be if all 57 members participated. However, I repeat, the absence of the six does not prevent progress; progress is being made.

Origin and Functions

Before discussing what the Little Assembly is doing and what it hopes to accomplish, I should like to go back briefly to the creation of this new subsidiary organ of the General Assembly. I should like to point out why it exists and just what its function is.

The Little Assembly, or as it is officially called, "the Interim Committee of the General Assembly", was sponsored by the United States in the General Assembly last fall. It was not, however, a sudden invention of the United States. It was not the product of any immediate crisis in Soviet-American relations. The general notion of creating some General Assembly machinery which would be able to operate between sessions had been under discussion for some time. The Netherlands Delegation had raised it at an earlier session of the General Assembly. Various nongovernmental organizations in the United States had been studying the problem and had worked out certain proposals. Various individuals had been giving the matter their consideration. The Department of State was in touch with these various currents of thought and was able to utilize them.

During the spring and summer of 1947, it began to be apparent that if the United Nations was to succeed in reducing the atmosphere of tension which was becoming increasingly evident throughout the world, it would be necessary for the General Assembly, as the great forum of world opinion, to take up seriously the role assigned to it under the Charter in the political and security field. It was realized that the move to develop the General Assembly's role might momentarily heighten the impression of basic political disagreement, but in balance it was believed that the results would counteract these impressions and make general cooperation more possible in the future. It might be said that the treatment was analogous to that in which the patient's temperature is temporarily increased with the expectation that a cure

will subsequently be effected. It was clear that the General Assembly has certain powers and responsibilities which hitherto it has not effectively discharged because of the lack of time available to it during its regular sessions. It was apparent that there were certain long-range problems in the political and security field which needed to be studied and which could not be studied by any organ of the United Nations then existing. It is a mistake to assume that the Little Assembly was created to overshadow and to by-pass the Security Council. It is correct to say that one reason for its creation was the desire to make the organization as a whole operate more effectively.

You will recall that the Soviet Union strongly opposed the establishment of the Interim Committee and, as I have noted it, has refused to cooperate in its work. When the results of its work are reviewed, there will be no basis for suspecting the sincerity with which it has tackled its task, whatever disagreement there may be with any of its recommendations.

Relation to the General Assembly

The Interim Committee, or Little Assembly, was established by the General Assembly as a subsidiary organ through an exercise of the power given to the Assembly by article 22 of the Charter. Every member of the United Nations is entitled to a representative in the Little Assembly. It is a democratic body. The General Assembly confided to the Interim Committee a variety of tasks and of powers. One of its principal functions has not yet been exercised but may prove to be the source of its most important contribution. This is the function of studying items which are placed on the agenda of the General Assembly with a view to making reports and recommendations to that body. Not all items which are placed on the agenda are within the jurisdiction of the Little Assembly but only those which fall within the competence of the General Assembly in the political and security fields. It includes only items placed on the agenda by a member of the United Nations or brought before the General Assembly by the Security Council. No such item can be taken up unless the Committee decides that the matter is both important and requires preliminary study. It would have been technically within the competence of the Little Assembly to make a preliminary study of the Palestine question for the Special Session of the General Assembly which begins next Friday. However, that question has already been very fully explored by a previous Special Session, by a regular session, by the Security Council, and by the Trusteeship Council. In view of that preparatory work and of the short space of time intervening between the call for a Special Session and its actual meeting, it would not have provided a case in which action of the

Little Assembly would be called for. As other items in the political and security field are placed on the agenda of the regular session of the General Assembly, it is to be anticipated that the Interim Committee will find among these items some on which it can most usefully render the preparatory service which the General Assembly had in mind. Previous experience indicates that many items of this character are extremely complicated and, when dumped in the lap of the General Assembly, cannot possibly receive the amount of careful study which they require. The Interim Committee, containing representatives of most of the states who will later deal with the matter in the General Assembly, is in a position to carry on these preliminary studies.

The General Assembly also provided that the Interim Committee could consider any matters which were specifically referred to it by the General Assembly. Two of the questions which have already engaged the Little Assembly's attention come within this category.

Korean Question

The first of these was the case of Korea. The Korean case illustrates the potential utility of a continuing body like the Interim Committee, not in preparing for the next session of the General Assembly but in following up the work of the last Assembly. At its last session the General Assembly established a United Nations Temporary Commission on Korea. This action was taken after the United States placed on the agenda the problem of establishing Korean unity and independence. You will recall that as a consequence of the war against Japan, both the United States and Russian forces moved into Korea, the American force from the south and the Russian force from the north. As a matter of practical military convenience, it was agreed that the American forces would take the surrender of the Japanese up to a line designated as the 38th parallel and that the Russian Army would take the surrender north of that line. It was not then contemplated that this line would have more than this temporary and practical significance in connection with the Japanese surrender. However, repeated attempts by the United States to reach agreement with the Russians for the fulfilment of the pledge made at Cairo to establish a united, independent Korea failed to bring results. The United States then suggested four-power consultations, bringing in Great Britain and China, but the Soviet Union refused. At that point, the United States turned to the United Nations and asked the consideration of the General Assembly. The Korean Commission was authorized by the General Assembly to observe elections throughout Korea. The Commission went to Korea and immediately found itself in difficulty. The Ukrain-

ian member of the Commission refused to take his seat, and the Soviet military authorities refused even to receive a letter from the Commission. As Mr. Gromyko informed the Secretary-General of the United Nations, the Soviet Union took a "negative attitude" toward the Korean Commission and its work. Faced with these developments, the Commission decided to exercise the privilege which the General Assembly had conferred upon it of consulting with the Interim Committee. The chairman of the Commission and its secretary flew back to Lake Success and laid the problem before us. The matter was discussed very fully, very frankly, and without acrimony. The Interim Committee was not given the authority to issue instructions to the Korean Commission, and it did not attempt to do so. It did as a result of its discussions conclude the consultation by expressing its view to the Korean Commission that it was incumbent upon it to proceed to observe elections in as much of Korea as is accessible to it. The southern zone, which is under American occupation and where full cooperation is afforded, contains two thirds of the population. It was hoped that the Soviet Union would change its attitude and cooperate with the United Nations by permitting the Korean people to take part in free elections in the northern zone as well. So far, that cooperation has not been given. I shall not attempt to discuss all the angles of the Korean situation, which is still a difficult one, but I may say that from the point of view of the history of the Little Assembly, the consultation with the Korean Commission seems to have been useful and to have demonstrated the value of this subsidiary organ in matters of this kind. If the Little Assembly had not been in existence, it is quite possible that a Special Session of the General Assembly would have had to be called to deal with the problem. The Little Assembly affords a more convenient and far less expensive instrumentality for general discussions on such a matter, even though the Little Assembly does not have the power to make recommendations to anyone except its parent body.

Veto Question

The other question which was specifically referred by the General Assembly to the Interim Committee was the question of the veto. It is not necessary to remind you of the nature of this problem. When the Little Assembly began its sessions in January, there was a definite feeling of disappointment on the part of some delegations when the United States suggested that proposals on the veto problem should be submitted to the Interim Committee on or about March 15. Some had evidently hoped that the United States would come forward at once with a fully worked out program which would serve as a basis of the In-

terim Committee's work. The United States, however, has always had the view in regard to the Interim Committee that one of its chief values would lie in its nature as a study group. The United States has consistently avoided anything which might suggest an attempt to regiment the discussion in that body. When matters are brought before the Security Council or before the General Assembly, the proposing states are apt to take definite positions and to feel that their prestige is involved in sustaining those positions and in securing for them general approval. The Interim Committee is especially useful in affording an opportunity to states to advance tentative suggestions for the purpose of free discussions. This is particularly true in regard to the veto. That subject has in the past elicited strong statements illustrating various points of view, most of them uncomplimentary to the right of veto. Some of them have pointed out that the trouble has not been with the right of veto as such but with the abuse of that right. The subject had never been fully explored in a dispassionate and thorough way in an international gathering since the Charter was adopted at San Francisco. Actually, the Interim Committee is now engaged in that kind of study. Currently, a working group of a subcommittee of the Little Assembly composed of the representatives of 10 states is studying one by one a list of 98 possible decisions which the Security Council might make in applying the Charter or the Statute of the International Court of Justice. Of those 98 possible decisions, the working group has already reached agreement that 36 of them are procedural in nature. In regard to some six others, it has already been agreed that whether procedural or not, it would be desirable that they should be decided by vote of any seven members of the Security Council, that is, that the veto should not apply. This approach is in line with the proposal submitted by the United States to the Interim Committee on March 10. In that proposal, we suggested 31 categories of Security Council decisions, all of which the United States feels should be made by a vote of any seven members of the Security Council in order to insure the effective exercise by the Security Council of its responsibilities under the Charter. The United States list included some questions which are clearly procedural and some in regard to which there is a good deal of controversy. The first item on the United States list is that having to do with the admission of states to membership in the United Nations. As you know, the veto has so far been exercised by the Soviet Union on 10 occasions to prevent the approval of applications for membership. The working group of the Interim Committee has agreed that it would be desirable to have these questions decided by the vote of any seven members of the Security Council. The United States proposals also suggest that the

veto should not be used in what are commonly called "chapter VI decisions" in the Security Council, that is, the decisions designed to bring about the pacific settlement of international disputes. The United States has not proposed to give up the veto under chapter VII which deals with actual enforcement measures.

It was the United States suggestion that an attempt should be made to reach agreement upon a list of categories of this kind. If such agreement were reached, it was suggested that the Interim Committee should recommend to the General Assembly that it in turn recommend to the permanent members of the Security Council that they mutually agree that the indicated voting procedures should be followed in these categories of decisions. The Interim Committee is still in the process of discussing which categories of decisions should be included in such a list. It has not yet grappled with the problem of implementing such a recommendation.

It is sometimes forgotten that the veto question involves more than the differences of opinion between the Soviet Union and the United States. It is by no means clear as yet whether all of the other members of the United Nations are agreed on how far it is now desirable and possible to go under the Charter in liberalizing the voting procedure in the Security Council. It certainly is a wise first step to find out whether a large majority of the members of the General Assembly are in agreement on what represents a desirable program, quite aside from the question of what may actually be done. The United States has not closed the door to possible amendment of the Charter, but it does believe that its proposal suggests a desirable first step. I believe that the study of this issue in the Little Assembly is currently another indication of the utility of this body.

Pacific Settlement of Disputes

In its resolution establishing the Interim Committee, the General Assembly gave it another function. This function was to consider and report to the General Assembly on "methods to be adopted to give effect to that part of Article 11 (1), which deals with the general principles of cooperation in the maintenance of international peace and security, and to that part of Article 13 (1a), which deals with the promotion of international cooperation in the political field". Although the Charter under article 24 confers on the Security Council "primary responsibility for the maintenance of international peace and security", the General Assembly is also given important powers and responsibilities in this field. As the discussions in the Little Assembly have developed, attention under this topic has so far been focused on the problem of improving the means for the peaceful settlement of international disputes. For instance,

the United States, jointly with China, has submitted proposals looking toward the establishment of panels from which commissions of investigation or commissions of conciliation could be formed either by the parties or by the Security Council or by the General Assembly. The same joint proposal has suggested that the General Assembly might prepare something in the nature of a code of civil procedure which would indicate to states the various procedures which might most conveniently be utilized for the settlement of disputes. You will recall that article 33 of the Charter calls upon the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, "first of all" to seek a solution by peaceful means of their own choice. There seems to be developing a tendency to disregard this "first of all" injunction and for states to turn immediately to the Security Council or to the General Assembly. It would certainly be undesirable to close the doors of these great organs to disputing states. On the other hand, there is a great deal of political wisdom in this provision of the Charter because it recognizes that when disputes are aired in either the Security Council or the General Assembly, the positions of the disputant states are apt to become crystallized, and at times it may be more difficult for them to reach agreement. In many situations, the preliminary use of less public and less dramatic means of settlement may be of very great value. All angles of this situation and all possible methods of meeting the problem are now being explored by a subcommittee of the Little Assembly. Various delegations other than those of the United States and China have submitted specific suggestions and work is going forward.

It is important to bear in mind in this connection that the Charter is a constitutional document and not an elaborate bit of legislation designed to cover every contingency. The Charter lays down the main principles and establishes the main machinery and then, like all intelligent constitutional instruments, leaves it to the course of development to work out the detail. This is the first time that any steps have been taken to explore the details of this field. You will remember that the General Assembly in 1946 undertook to begin another task which was entrusted to it by article 13, (1a), namely, the encouragement of the progressive development of international law and its codification. It appointed a committee to recommend methods, and as a result of the report of that committee it has decided to establish a permanent International Law Commission. Similarly, under article 11 work has been begun in connection with disarmament. But, prior to the establishment of the Little Assembly, nothing had been done of comparable character in connection with the General Assembly's broad role in the political field and in connection with the general

principles of cooperation in the maintenance of international peace and security.

One should not expect that the Little Assembly will now provide the final answers. If one looks back over the history of the League of Nations one will find that there was a continuing series of studies ranging from 1920 up through the early 1930's, all designed to elaborate the means of pacific settlement of disputes. Those efforts resulted in the drafting of a number of important and valuable documents, such as the General Act of Geneva of 1928. This League of Nations experience is being restudied and re-evaluated. So is the comparable experience in the Inter-American system which is now being re-examined at the Bogotá conference. The Little Assembly can only break ground for a continuation of studies which ought to go on over a great many years. Some people seem to think that it is futile to start studies of this kind now in the midst of a period of political tension. The same objection was raised to the first steps taken in regard to the progressive development and codification of international law. The answer to these objections is that when one deals with long-range problems of this character, it is never too soon to begin. Moreover, the very fact that states are embarking on work involving a concentration on peace may make a contribution to the relief of the tension which superficially seems to make the work itself inappropriate.

Future Status

The General Assembly also asked the Interim Committee to study itself. It asked it to report to the session which meets in September on the advisability of establishing a permanent committee of the General Assembly to perform such duties as those now entrusted to the Interim Committee. The Interim Committee, was, of course, established on an experimental basis, and it goes out of existence when the General Assembly meets in the fall. The Little Assembly has appointed another subcommittee which is studying the implications of this problem. Various suggestions have been made concerning additional powers which might be given to the Interim Committee if it is continued beyond this year, for example, the suggestion made by the Belgian Delegation that the Interim Committee, if continued, should be given the power to request advisory opinions from the International Court of Justice. It is too soon to give a final answer to the question whether the experience of the Interim Committee justifies its continuance.

I have already suggested that the Korean consultation and the work on the veto and the study of political cooperation indicate the value of a body of this kind. There has not yet been an opportunity to determine how useful it can be

in smoothing the path for the General Assembly and reducing the burden of its work. If the Little Assembly lives up to expectations in that respect as well, it is not unreasonable to suppose that the General Assembly will want to continue it at least on an experimental basis for another year.

Accomplishments

The Little Assembly has not been a spectacular body. Because the Korean question involves the relations between the United States and the Soviet Union, the consultation with the Korean Commission attracted some attention, but in general its work has received only brief notice in the press. This is not surprising, and it is not to be deplored. On the other hand, it is not to be taken as an index of the value of the work. The studies of the veto problem may prove to be of considerable political and constitutional significance in the history of the United Nations. At any time, some state may bring up before the Interim Committee for study some new suggestion, perhaps one designed to promote cooperation in the maintenance of international peace and security by some other method. Whether spectacular or not, the work which is being done is a current indication of the vitality and utility of the United Nations.

There is a danger that in attempting to explain the operations of a body which is not widely known, one will give the impression of exaggerating its importance. Compared, for instance, to the problems currently being handled in the Security Council, the work of the Little Assembly may be said to be of relatively minor significance, but the kind of long-range study which is being made and the precedent for continued cooperative study which is being set, may quite possibly have an effect long after the specific political issues before the Security Council at any one time have been settled and have passed from the arena of political conflict.

If it should unhappily prove to be the case that the Security Council should continue to meet with serious difficulty in discharging its primary responsibilities in the field of international peace and security, it is hard to escape the conclusion that the emphasis on the potential role of the General Assembly in this field will increase. It must not be forgotten that the General Assembly represents the entire membership of the United Nations and so does the Little Assembly. The history of the League of Nations indicates a natural trend toward the democratization of any international organization of this character through the development of the functions of those organs on which the membership is most broadly represented. If the General Assembly continued to meet only once a year, the difficulty in the way of its dealing with current political issues would be apparent. If it decides to keep in existence, between its sessions, some body which represents it and on which all

members of the organization are represented, the picture may change. Of course, a Little Assembly in its activities could not go beyond the powers entrusted to the General Assembly which creates it. It could never infringe upon the special fields of authority entrusted to the Security Council.

For people like you who are interested in the whole problem of the United Nations as an instrument for international cooperation, I suggest that the experiment of the Little Assembly is worth your attention. I venture to suggest also that the more familiar you become with the details of its operation the more you will add to a store of facts which will justify an optimistic point of view.

As one goes down the long corridor of years, one sees a series of doors to right and left. One is tired—tired of the wars which nobody wants. One knows that some of these doors open on rooms which are comfortably furnished and where one may be at ease. One tries the handles of these doors and they are locked. We do not have the key. At last one opens a door on a barely furnished room where perhaps one finds a hard wooden chair on which to sit or a straw mattress on the floor on which to lie. One takes advantage of this respite but is not satisfied and soon goes on down the corridor, trying other doors. The corridor stretches on beyond my life time and perhaps beyond yours. At one moment we are groping in the corridor and it is dark. At another moment we are at a place where we gather new strength. But if enough of us join in the quest, some day we shall find the right door, and it will not be locked or, if it is locked, one of us will have the key.

Statute for Jerusalem—Continued from page 572

"The Trusteeship Council

"HAVING BEEN DIRECTED by the General Assembly, in accordance with Section C of Part III of the Plan of Partition with Economic Union (Document A/516), to elaborate and approve a detailed Statute of the City of Jerusalem within five months from the adoption by the General Assembly of its resolution on the Future Government of Palestine; and

"HAVING COMPLETED its discussion on the Draft Statute;

"Decides that the Statute is now in satisfactory form and agrees that the question of its formal approval together with the appointment of a Governor of the City, shall be taken up at a subsequent meeting to be held not later than one week before 29 April 1948"; and

Refers the matter to the General Assembly for such further instructions as the General Assembly may see fit to give.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Calendar of Meetings¹

| In Session as of May 1, 1948 | | 1946 |
|---|-----------------------------------|----------------------|
| Far Eastern Commission | Washington | Feb. 26- |
| United Nations: | | |
| Security Council | Lake Success | Mar. 25- |
| Military Staff Committee | Lake Success | Mar. 25- |
| Atomic Energy Commission | Lake Success | June 14- |
| | | 1947 |
| Commission on Conventional Armaments | Lake Success | Mar. 24- |
| Security Council's Committee of Good Offices on the Indonesian Question | Lake Success | Oct. 20- |
| General Assembly Special Committee on the Greek Question | Salonika | Nov. 21- |
| | | 1948 |
| Commission for Palestine | Lake Success | Jan. 9- |
| Temporary Commission on Korea | Seoul | Jan. 12- |
| Interim Committee of the General Assembly | Lake Success | Feb. 23- |
| General Assembly: Second Special Session on Palestine | Flushing Meadows | Apr. 16- |
| Ecosoc (Economic and Social Council): | | |
| Transport and Communications Commission: Third Session | Geneva | Apr. 12- |
| Economic and Employment Commission: Third Session | Geneva | Apr. 19- |
| Statistical Commission: Third Session | Lake Success | Apr. 26- |
| Ece (Economic Commission for Europe): Third Session | Geneva | May 7 Apr. 26- |
| | | 1947 |
| CFM (Council of Foreign Ministers): | | |
| Commission of Investigation to Former Italian Colonies | Former Italian Colonies | Nov. 8- |
| | | 1948 |
| Deputies for Austria | London | Feb. 20- |
| Provisional Frequency Board | Geneva | Jan. 15- |
| First Meeting of Planning Committee on High Frequency Broadcasting | Geneva | Mar. 22- |
| Icao (International Civil Aviation Organization): Rules of the Air and Air Traffic Control Practices Division | Montreal | Apr. 20- |
| International Conference on Safety of Life at Sea | London | Apr. 23- |
| International Administrative Aeronautical Radio Conference: Preparatory Committee | Geneva | Apr. 24- |
| Conference To Plan for Establishment of an International Institute for Hylean Amazon | Iquitos, Peru | Apr. 30- |
| Scheduled for May 1948 | | |
| CFM (Council of Foreign Ministers): Deputies for Italian Colonial Problems | London | May 1 ² - |
| United Nations: | | |
| Ecosoc (Economic and Social Council): | | |
| Commission on Narcotic Drugs: Third Session | Lake Success | May 3- |
| Population Commission: Third Session | Lake Success | May 10- |
| Human Rights Commission: Third Session | Lake Success | May 20- |
| Ece (Economic Commission for Europe): | | |
| Committee on Electric Power | Geneva | May 10- |
| Panel on Housing | Geneva | May 13- |
| Committee on Coal | Geneva | May 25- |
| UNESCO (United Nations Educational, Scientific and Cultural Organization): | | |
| International Teachers Organization | Paris | May 3-4 |
| Committee of Experts for the Study of a Plan for Translations of Great Books | Paris | May 10-14 |
| Meeting of Experts on Art and General Education | Paris | May 11-15 |

¹ Prepared in the Division of International Conferences, Department of State.

² Tentative.

Calendar of Meetings—Continued

UNESCO—Continued

| | | |
|--|------------------------------|------------------|
| Conference on International Theatre Institute | Praha ² | May 31- |
| Pan American Sanitary Organization: Meeting of Executive Committee | Washington | May 3- |
| WHO (World Health Organization): | | |
| Expert Committee for the Preparation of the Sixth Decennial Revision of the International Lists of Diseases and Causes of Death. | Geneva | May 4- |
| Expert Committee on Malaria: Second Session | Washington | May 19-23 |
| ICAO (International Civil Aviation Organization): | | |
| Second European-Mediterranean Regional Air Navigation Meeting | Paris | May 4- |
| Facilitation Division | Geneva | May 17- |
| Second North Atlantic Regional Air Navigation Meeting | Paris | May 17- |
| Legal Committee: Annual Meeting | Geneva | May 28- |
| IRO (International Refugee Organization): Sixth Part of First Session of Preparatory Commission. | Geneva | May 4- |
| Meeting of the South Pacific Commission | Sydney | May 10- |
| Fourth International Congresses on Tropical Medicine and Malaria (including exhibits). | Washington | May 10-18 |
| International Telegraph Consultative Committee | Brussels | May 10-20 |
| International Administrative Aeronautical Radio Conference | Geneva | May 15- |
| Health Congress of the Royal Sanitary Institute | Harrogate, England | May 24-28 |
| Sixth Meeting of the Caribbean Commission | San Juan, P.R. | May 24-28 |
| International Sugar Council | London | May 28- |
| Pan American Union: Meeting of Governing Board | Washington | May ² |

² Tentative.

Activities and Developments»

U.S. DELEGATION TO IRO PREPARATORY MEETING

[Released to the press April 19]

The Department of State announced on April 19 the composition of the United States Delegation to the Sixth Part of the First Session of the Preparatory Commission for the International Refugee Organization (IRO) which is scheduled to be held at Geneva, May 4-14, 1948. The United States Delegation is as follows:

Chairman

George L. Warren, Adviser on Refugees and Displaced Persons, Department of State; U.S. Representative on the Preparatory Commission for the IRO

Adviser

John D. Tomlinson, Assistant Chief, Division of International Organization Affairs, Department of State

Administrative Assistant

Helen Norman, U.S. Delegation, International Telecommunication Union High Frequency Board, Geneva

The meeting will consider, among other things, the status of adherences to the IRO constitution, the operating reports of the Executive Secretary, and appropriate action in the determination of policies as indicated in these reports.

The Preparatory Commission for the IRO was established in order to insure the continuity of service to displaced persons after July 1, 1947, when UNRRA and the Intergovernmental Committee on Refugees went out of existence, and to take the necessary measures to bring the permanent organization into operation as soon as possible.

The IRO will come into existence when 15 states whose contributions amount to 75 percent of the operational budget have signed the constitution. The United States, in addition to signing the constitution, is a signatory to the agreements establishing the Preparatory Commission and *ipso facto* a member of the Preparatory Commission.

The Fifth Part of the First Session of the Preparatory Commission for the IRO was held at Geneva, January 20-31, 1948.

U.S. DELEGATION TO ICAO MEETINGS

[Released to the press April 22]

The Acting Secretary of State announced on April 22 the composition of the United States Delegation to the second European-Mediterranean Regional Air Navigation Meeting and to the Second North Atlantic Regional Air Navigation Meeting, both of which have been called by the International Civil Aviation Organization (ICAO). These regional meetings are scheduled to convene

at Paris—the first on May 4 and the second on May 19, 1948.

The United States Delegation will be headed by Clifford P. Burton, Chief of the Technical Missions Branch of the Civil Aeronautics Administration, Department of Commerce. Other members of the Delegation are:

Advisers

James F. Angier, Chief of Foreign Section, Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce

Maj. John W. Baska, Chief of ICAO Liaison Branch, Air Transport Command, Department of the Air Force

Virgil L. Clapp, Communications Specialist, Department of the Air Force

Allick B. Currie, Airways Operations Specialist, Civil Aeronautics Administration, Department of Commerce

James D. Durkee, Chief, International Aviation Section, Aviation Division, Federal Communications Commission

Edmund T. Fridrich, Project Engineer, Aeronautical Radio, Inc., Washington

Lt. Col. Jesse R. Guthrie, Fifth A.A.C.S. Wing, U.S.A.F.

Norman R. Hagen, Meteorological Attaché, American Embassy, London

Harland E. Hall, Aeronautical Specialist (Communications), Civil Aeronautics Administration, Department of Commerce

Kendall G. Hathaway, Technical Assistant, International Standards Division, Civil Aeronautics Board

George T. van der Hoef, Acting Director, Programs Division, Office of Publications, Department of Commerce

Lt. Comdr. George E. Howarth, Chief, Navigational Section, Electronics Division, U.S.C.G., Department of the Treasury (Lieutenant Commander Howarth will attend only the North Atlantic Regional Meeting.)

Maj. John Kline, Headquarters, U.S.A.F., Europe
Commander Edwin S. Lee, U.S.N., Assistant Chief, Civil Aviation Section, Department of the Navy

Lt. Comdr. John B. McCubbin, Search and Rescue Agency, U.S.C.G., Department of the Treasury

Col. Edward W. Maschmeyer, Fifth Weather Group, U.S.A.F.

Mr. Mehrling, Office of Military Government, U.S. Zone

Oren J. Mitchell, Chief of Operations Inspection Staff, 1st Region, Civil Aeronautics Administration, New York City

Ray F. Nicholson, Adviser, International Air Traffic Control Standards, Civil Aeronautics Administration, Department of Commerce

Donald W. Nyrop, Operations Division, Air Transport Association of America, Washington

Col. David C. G. Schlenker, Headquarters, U.S.A.F., Europe

Walter B. Swanson, Adviser, International Air Traffic Control Standards, Civil Aeronautics Administration, Department of Commerce

Secretary

Allen F. Manning, Division of International Conferences, Department of State

The First European-Mediterranean Regional Meeting was held at Paris in April-May 1946 and the First North Atlantic Regional Meeting at Dublin in March 1946. These initial meetings resulted in a series of recommended practices and procedures for consideration and approval by the ICAO Council at Montreal regarding airline operations, air-traffic control, communications, search and rescue, meteorology, aerodromes and ground aids, and manuals. Subsequently, several committee meetings were held to define further and to clarify air-traffic control and operations problems, and a regional office was established at Paris.

It is expected that delegations from approximately 25 countries will attend the European-Mediterranean Regional Meeting and that delegations from 18 countries will attend the North Atlantic Regional Meeting.

U.S. PARTICIPATION IN WHO ASSEMBLY PENDING

[Released to the press April 24]

Acting Secretary of State Robert A. Lovett on April 24 informed Dr. Brock Chisholm, the Executive Secretary of the Interim Commission of the World Health Organization, that this Government would, for the time being, refrain from naming observers to the World Health Assembly scheduled to meet in Geneva, on June 24, 1948, since legislation providing for United States membership in the World Health Organization is pending before the Congress.¹

Mr. Lovett expressed his hope that it might be possible for the United States to participate fully in the World Health Assembly as a member of the World Health Organization.

The text of Mr. Lovett's letter is as follows:

April 24, 1948

SIR: I acknowledge receipt of your letter of April 7, 1948, transmitted to me by the United States Representative, inviting the United States to send one or more Observers to the World Health Assembly, which will be convened in Geneva, Switzerland, on June 24, 1948. I also note that you invite the United States to send a Delegation to the World Health Assembly in the event this Government becomes a Member of the World Health Organization prior to June 24, 1948.

Legislation providing for United States membership in the World Health Organization is still pending before the Congress. In view of my continued hope that the United States will become a Member of this organization in sufficient time to participate fully in the World Health Assembly, I refrain from naming Observers at the present time. However, in due course, you will be notified of the names of such Observers or Delegates as the United States may find it possible to send to the Assembly.

Very truly yours,

ROBERT A. LOVETT
Acting Secretary of State
of the United States of America

¹ BULLETIN of Apr. 25, 1948, p. 540.

THE RECORD OF THE WEEK

Fiftieth Anniversary of Cuban Independence

ADDRESS BY THE PRESIDENT¹

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE CONGRESS, DISTINGUISHED GUESTS:

It is eminently fitting that we should assemble here today to pay solemn tribute to the heroic champions of human freedom who brought about the liberation of Cuba. The commemoration of half a century of Cuban independence recalls the valor of the Cuban patriots and American soldiers and sailors who gave liberally of their strength and their blood that Cuba might be free. From that chapter in man's age-old struggle for freedom, we can draw inspiration for the hard tasks that confront us in our own time.

The struggle for Cuban independence, like every other effort of its kind, was fraught with hardship and disappointment. But the unconquerable determination of the Cuban people to win freedom overcame all obstacles. From the first, the fight for liberation by Cuban patriots evoked the sympathy of the people of the United States. Those in quest of independence have always had the support of the people of this Nation.

Americans watched with admiration the beginning of the final struggle for independence led by José Martí and his valiant compatriots, Gómez, Maceo, and García. Our people made increasingly plain their desire to assist the Cuban patriots. The sinking of the United States battleship *Maine* in Havana harbor on February 15, 1898, crystallized the growing sentiment in this country for joining forces with the Cuban people in their fight for self-government.

The Congress passed a joint resolution expressing in clear terms the conviction of the men and women of the United States that the people of the Island of Cuba should be free and independent. It also expressed our determination that once the Cuban people were liberated, they, and they alone, should govern the Island of Cuba. It is the passage of this joint resolution, 50 years ago today, which we are commemorating in this ceremony.

This joint resolution, the foundation upon which our relations with the Cuban Republic are based, brought the military and naval forces of the

United States into the conflict at the side of the Cuban patriots. The names of Shafter, Roosevelt, Hobson, and many others were joined with those of Gómez, Maceo, and García.

For four months, as Americans fought side by side with their Cuban allies, the opposing forces were driven back. On August 12, Spain signed the protocol of peace and agreed to give up Cuba and withdraw her forces. The dream of José Martí became at last a glorious reality.

The sympathetic interest of the United States in the welfare of the Cuban people did not end with victory. We assisted the Cubans in repairing the ravages of war and overcoming problems of health and sanitation. The comradeship of war was succeeded by the notable peacetime collaboration of General Wood, General Gorgas, Doctor Walter Reed, Doctor Agramonte, and other men of science and public life.

From these sound beginnings, relations between the Republic of Cuba and the United States have continued through the years on a mutually satisfactory basis. I believe that few nations of differing languages and cultures have drawn so closely together during the last 50 years, freely and without duress, as have Cuba and the United States.

Many other factors have contributed to the understanding and affection between our two nations. Travel between the two countries is extensive and our peoples have come to know each other, and each other's customs and cultures, at first hand. Trade between the two nations has increased steadily in volume and in importance. The experience of Cuba and the United States refutes the false assumption that neighboring peoples of different races and cultures are naturally antagonistic. On the contrary, the history of Cuban-American relations demonstrates that when people of different countries enjoy opportunities for frequent personal contacts and a free exchange of information and knowledge, their ties of friendship grow stronger through the years.

Although our two countries are separated by only 90 miles of water, and vary greatly in size and strength, they collaborate harmoniously on a basis of equal sovereignty and independence of action. This relationship provides living proof

¹ Delivered on Apr. 19, 1948, before a joint session of the Congress in observance of the Cuban anniversary, and released to the press by the White House on the same date.

of the ability of nations great and small to live in peace and to enjoy the full benefits of commercial and cultural exchange. The same harmonious relationship can prevail among all nations, provided they possess a genuine desire for peace and a firm resolve to respect the freedom and the rights of others.

This is a truth the whole world should take to heart. The basic requirement for peace and understanding is the *will* that peace and understanding shall prevail. The will to avoid war and to seek an understanding that precludes all violence and aggression is one of the most profound and universal concepts held by the peoples of this earth. I am convinced that the plain people of the world, of whatever race or nationality, desire nothing more passionately than freedom for themselves and for others—freedom to be left in peace to earn their daily bread after their own fashion—freedom to leave their neighbors in peace to do likewise.

This is the great issue of our day: Whether the universal longing of mankind for peace and freedom shall prevail, or whether it is to be flouted and betrayed. The challenge of our time, like the one met so successfully by those we honor today, tests

the mettle of men and their institutions of government. Our own moment of history also calls for calmness, for courage, for strength, and above all for the steadfast resolution that, come what may, we shall stand for the right.

We honor today the memory of a noble few among the countless heroes who have fought to advance the cause of human freedom through the ages.

Let us avail ourselves of this occasion to refresh our faith in freedom and to rededicate this Nation and ourselves to the principles of liberty, justice, and peace.

STATEMENT BY SECRETARY MARSHALL¹

On the occasion of the fiftieth anniversary of the independence of Cuba and concurrently with the meetings of the Ninth Conference of American States the United States joins with the other free and independent nations of the earth in an expression of fraternity and friendship addressed to the Cuban nation. The Congress of the United States is meeting today in joint session in honor of the occasion and we here in Bogotá join with our Congress and the people of my country in extending warm felicitations to a sister republic.

Italy Expresses Appreciation of Proposal for Return of Trieste

EXCHANGE OF LETTERS BETWEEN ITALY AND THE UNITED STATES

[Released to the press by the White House April 14]

The President has sent the following letter to the Ambassador of Italy

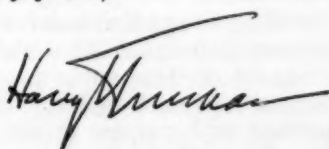
April 9, 1948

MY DEAR MR. AMBASSADOR:

I have read with pleasure your letter of March twentieth, concerning the proposal of this Government, together with the Governments of the United Kingdom and France, for the return of the Free Territory of Trieste to Italy.

I wish to take this opportunity to express to you again the friendship and good will which the American people feel towards the people of Italy.

Very sincerely yours,



¹ Issued at Bogotá on Apr. 19, and released to the press in Washington on Apr. 20.

May 2, 1948

Text of the Italian Ambassador's letter to the President

March 20, 1948

MY DEAR MR. PRESIDENT:

Allow me to convey to you the feelings of the deepest gratitude of the Italian Government and the Italian people for the momentous decision taken by this Country in view of the return of the Free Territory of Trieste to its Motherland.

I am sure that this just and generous decision will be received with the greatest exultation, not only by the entire Italian nation, but also by the inhabitants of the Free Territory of Trieste who have never abandoned their hopes of being restored to their country and will be welcomed in Italy as a further proof of the fraternal friendship of the United States towards her.

I take the liberty of adding to these feelings of my fellow-citizens my own personal sentiments of the profoundest appreciation and gratitude.

Accept [etc.]

TARCHIANI
Italian Ambassador

American War Claims in Italy¹

PAYMENT OF \$5,000,000 BY ITALY

The Italian Ambassador, on behalf of the Government of Italy, on April 23 presented to the Department of State a check in the amount of \$5,000,000 in fulfillment of the obligation assumed by Italy pursuant to article 2 of the memorandum of understanding between the Government of the United States and the Government of Italy regarding Italian assets in the United States and certain claims of United States nationals against Italy, signed at Washington on August 14, 1947. The check was accepted for the Secretary of State by Willard Thorp, Assistant Secretary of State for economic affairs. Mr. Thorp headed the Amer-

ican delegation during the negotiations with the Italian financial and economic delegation to the United States which resulted in the conclusion of two memoranda of understanding and supplementary notes concerning various financial and economic questions relating to the treaty of peace with Italy. This payment by Italy is to be utilized in such manner as the Government of the United States may decide to be appropriate, in application to the claims of United States nationals arising out of the war and not otherwise provided for.

The Italian Ambassador made the following statement on this occasion:

EXCHANGE OF REMARKS BETWEEN AMBASSADOR TARCHIANI AND ASSISTANT SECRETARY THORP

"I am particularly gratified that I should be entrusted with the task of handing over this check representing the lump sum with which certain claims of American citizens arising out of the war and not otherwise provided for will be satisfied. In spite of her foreign-exchange situation, Italy desires to show once more that she intends strictly to abide by her international obligations and that she desires to settle as promptly as possible all outstanding problems between our two countries."

Mr. Thorp replied as follows:

"I am happy to receive, on behalf of the United States Government, this further evidence of the Italian Government's desire to discharge its international obligations. This action by your government, taken despite Italy's difficult foreign-exchange situation, clearly emphasizes Italy's desire to settle as promptly as possible the various problems of mutual concern to our two countries which remain outstanding from the war period."

PROCEDURE FOR FILING CLAIMS

Under provisions contained in the peace treaty with Italy which came into force on September 15, 1947, American nationals are entitled to have returned to them property in that country which was sequestered or placed under control of authorities of the Italian Government during the war. The treaty provides that where such property has not already been returned application for its return must be filed before September 15, 1948, except in cases where the claimant is able to show that an application could not be filed before that date.

Such applications should be prepared in the form of an affidavit in duplicate stating the name and address of the claimant, the date, place, and circumstances under which he acquired American citizenship, a description of the property to be returned, its location, and, if known, the date and place possession or control thereof was taken by the Italian authorities. If the claimant was not

the owner of the property at the time it was taken, the date and manner of the claimant's acquisition of ownership thereof should be stated.

Applications are to be made to the *Ufficio Beni Alleati e Nemici*, Rome, Italy. However, to assist American nationals desiring to obtain the return of their properties, the American Embassy in Rome will transmit such applications to the proper Italian authorities.

Claimants will be notified by the Italian Government of the time and place of the return of their property and should make arrangements for its receipt either personally or through a designated representative.

The filing of applications for the return of property is not to be confused with the filing of claims for loss of or damage to property sustained by American nationals in Italy during the war. Instructions with respect to the latter will be furnished claimants by the Department of State and by the American Embassy in Rome as soon as possible.

¹ Released to the press Apr. 23.

Expression of Gratitude From Austria on Economic Aid

[Released to the press April 20]

The Department of State transmitted on April 20 to both Houses of Congress the text of a note from Ludwig Kleinwaechter, Minister of Austria, to the Acting Secretary of State, expressing gratification on behalf of the people and the Government of Austria on the occasion of the passing of The Economic Cooperation Act of 1948. The text of the note follows

April 7, 1948

SIR: On the occasion of the passing of The Economic Cooperation Act of 1948, my Government has directed me to express to the People, the President and the Government of the United States, on behalf of the People and the Government of Austria, the deep gratification for this act of unparalleled assistance to the economic recovery of the nations participating in the European Recovery Program.

I beg to request you to express the feelings of deep gratification on behalf of the People and the Government of Austria also to both Houses of Congress.

Accept [etc.]

L. KLEINWAECHTER

International Law and the European Recovery Program—Continued from page 587.

tion of a treaty; (b) any question of international law; (c) the existence of any fact which, if established, will constitute a breach of an international obligation; (d) the nature or extent of the reparation to be made for the breach of international obligation."

The United States and about one half of the participating countries have signed the Statute of the International Court of Justice. Although the United States will not in the bilateral agreements bind or commit itself to provide assistance to any participating country, and may terminate aid at any time, undoubtedly numerous questions of interpretation of the bilateral agreements, irrespective of any question of reparation for violations, may arise.

I have suggested only a few of the issues of international law which are raised by the charter of the International Trade Organization and by the European Recovery Program. The basic task of international law, as of domestic law, is to support the economic and political institutions which preserve human dignity, the best of economic individualism, and the virtues of nationalism. The strength of international law is its ability to perform this task. The problems which face us today require your assistance and your leadership in maintaining and expanding that strength.

Proposed Legislation on Gift of Statue From Uruguay

[Released to the press April 23]

The Department of State on April 23 transmitted to the presiding officers of Congress proposed legislation to authorize the acceptance and erection of a statue of Gen. José Gervasio Artigas, offered to the Government of the United States as a gift from the Government of Uruguay. The text of the letter to Senator Vandenberg follows:¹

MY DEAR SENATOR VANDENBERG: I enclose for your consideration a draft of proposed legislation entitled "A bill to provide for the acceptance on behalf of the United States of a statue of General José Gervasio Artigas, and for other purposes".²

This legislation is necessary in order to authorize the acceptance and erection in Washington, D.C., of a statue of General Artigas offered to the Government of the United States as a gift from the Government of Uruguay; and to authorize the appropriation of funds for the cost of erection, construction of a pedestal, landscaping the adjacent area, and necessary plans and specifications.

An officer of the Uruguayan Army, Egardo Ubaldo Genta, is the proponent of the idea of donating a bronze statue of the Uruguayan national hero, General Artigas, to the United States in keeping with a plan to exchange bronze statues of heroes among the American republics. Such exchanges have been consummated by Uruguay with at least six other American republics. The donation of the Artigas bronze dates back to December, 1940 when the Uruguayan Chamber of Deputies authorized an appropriation for the casting of the statue of Artigas to be donated to the City of Washington, D.C. A part of the total cost of the statue was contributed by the school children of Montevideo. Because of the war and the limitations on shipping facilities, arrangements were delayed until April, 1947 when the statue was shipped to the United States. The Department received a communication from the Uruguayan Embassy officially offering the statue to the United States as a gift from the Government of Uruguay.

The Department is of the opinion that the acceptance of the gift of a statue of General Artigas would serve to strengthen the friendly relations now existing between the Governments of Uruguay and the United States and to further the concept of hemispheric solidarity for which we strive.

The Department further believes that the Government of the United States should consider re-

¹ The same letter was sent to Speaker Martin.

² Not printed.

turning this expression of friendship and esteem by the donation of a statue of our national hero, General George Washington, to the Government of Uruguay for erection in the City of Montevideo. Information is now being developed that may be required in support of legislation to authorize a casting of a reciprocal statue of George Washington to be donated to the Government of Uruguay, and it is contemplated that such legislation will be proposed at a later date.

I hope that the Congress will find it possible to act upon this draft legislation this session.

A similar communication is being sent to the Speaker of the House.³

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this proposal to the Congress.

Sincerely yours,

For the Acting Secretary of State:

CHARLES E. BOHLEN
Counselor

Procedure for Handling International Fisheries Problems

EXCHANGE OF LETTERS BETWEEN THE DEPARTMENT OF STATE AND THE DEPARTMENT OF THE INTERIOR

[Released to the press April 12]

April 5, 1948

MY DEAR MR. SECRETARY:

Following your conversation of several weeks ago with Secretary Marshall on the means for improving the handling of international fisheries and wildlife matters, there were several discussions between officials of our two Departments and an agreement was reached which, I believe, will accomplish this objective. This letter confirms the agreement.

It is my understanding that in the field of international fisheries and wildlife relations the Department of the Interior will keep the State Department advised at all times on the need for international action; will prepare on its own initiative or at the request of the State Department studies and reports on the foreign and domestic scientific and technological aspects and on the domestic economic, industrial and sports aspects of the problems; will recommend action which may be taken by the Department of State; and will advise the Department of State during international negotiations.

Since the Fish and Wildlife Service is staffed with specialists to obtain and analyze promptly and effectively information similar to that needed by the Department of State, it is agreed that there will be a substantial increase in emphasis by the Service upon keeping the Department of State informed on the need for international action and on investigating and reporting to the Department in preparation for negotiations or other international action. The effective performance of these functions by the Service will relieve the Department of such work of this character as it is presently performing. It is agreed that the Service should expand its consultation with American interests on international fisheries and wildlife matters and

its activity in making recommendations on action which the Department may take on such problems.

The Department of State will shortly reorganize the fisheries work of the Department. In this connection, the Department anticipates confining its activities to the formulation and determination of general policy on and the conduct of international fisheries and wildlife relations and expects to look to other agencies for advice and guidance on other phases of the problem. It will be necessary, of course, for the Department to continue its preparation of the background work on pertinent diplomatic history and international law.

Representatives of the two Departments will, I understand, meet immediately to develop plans for regularly constituted groups of industry and state government representatives to advise the two Departments on international fisheries and wildlife matters. Although the establishment of such groups will not preclude the present practice of consulting on particular problems with groups having a knowledge of and interest in such special problems, the general groups will provide counsel which our Departments would find difficulty in obtaining by other means and which will aid our two Departments in the promotion of the general welfare in this field.

It is recognized that there exists an excellent spirit of cooperation between the Fish and Wildlife Service and the Department and that there is a high degree of flexibility in meeting the varied problems of common concern. It is understood that this agreement is not intended in any degree to formalize the relations now existing between the two organizations or to formalize the manner of handling any particular problem. Thus, while it is anticipated that the Department will, as occasion requires, participate in planning studies and investigations which may be needed for international action and will consult, from time to time, directly with State officials, industry and sports representatives, and other interested and informed

³ In the letter to Speaker Martin this phrase reads: "the President pro tempore of the Senate".

PUBLICATIONS

Department of State

For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.

Parcel Post Service Within the Postal Union of the Americas and Spain. Treaties and Other International Acts Series 1681. Pub. 3044. 19 pp. 10¢.

Agreement, and Final Protocol, Between the United States and Other Governments—Signed at Rio de Janeiro September 25, 1946; entered into force January 1, 1947.

General Agreement on Tariffs and Trade. Vol. I. Commercial Policy Series 111. Pub. 3107. 82 pp. 25¢.

Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment with the general clauses of the General Agreement on Tariffs and Trade and Protocol of Provisional Application of the Agreement.

Diplomatic List, April 1948. Pub. 3118. 180 pp. 20¢ a copy; \$2.00 a year.

Monthly list of foreign diplomatic representatives in Washington, with their addresses.

Reciprocal Trade. Treaties and Other International Acts Series 1702. Pub. 3033. 5 pp. 5¢.

Agreement and Accompanying Letters Between the United States of America and Canada; rendering inoperative the agreement of November 17, 1938, and supplementing the general agreement on tariffs and trade of October 30, 1947—signed at Geneva October 30, 1947; entered into force October 30, 1947, effective January 1, 1948.

Restitution of Monetary Gold. Treaties and Other International Acts Series 1683. Pub. 3046. 5 pp. 5¢.

Protocol Between the United States of America, the United Kingdom of Great Britain and Northern Ireland, and France and Austria—signed at London November 4, 1947; entered into force November 4, 1947.

Fur Seals. Treaties and Other International Acts Series 1686. Pub. 3057. 2 pp. 5¢.

Agreement Between the United States of America and Canada; amending the provisional agreement of December 8 and 19, 1942—effected by exchange of notes signed at Washington December 26, 1947; entered into force December 26, 1947.

Exchange of Official Publications. Treaties and Other International Acts Series 1688. Pub. 3058. 3 pp. 5¢.

Agreement Between the United States of America and Sweden—effected by exchange of notes signed at Stockholm December 16, 1947; entered into force December 16, 1947.

Correction

In the BULLETIN of April 11, 1948, page 476, the footnote in the lefthand column should state that the address by Mr. Allen was made before the Overseas Press Club in New York rather than in Washington.

persons, there is full agreement that investigation and recommendation, whether on the initiative of the Service or at the request of the State Department, is properly the initial responsibility of the Service.

I understand that your Department will try to arrange for full performance of the functions during the fiscal year 1949. However, if your Department should find it impossible to make such arrangements, it is understood that officials of our two Departments will explore the possibility of effecting special arrangements for the fiscal year 1949.

I am confident that this program and particularly the increased responsibilities by the Fish and Wildlife Service and the reorganization of the fisheries and wildlife work of the Department of State, will result in substantial improvement in the effectiveness and soundness of the handling of this country's international fisheries and wildlife affairs.

Sincerely yours,

ROBERT A. LOVETT
Acting Secretary of State

April 9, 1948

MY DEAR MR. SECRETARY:

The proposals outlined in Under Secretary Lovett's letter of April 5 for the purpose of improving the handling of international fisheries and wildlife matters which have been developed through discussions between officers of the Department of State and of the Fish and Wildlife Service of this Department are entirely acceptable.

It is my understanding that the transfer of functions and responsibilities to the Fish and Wildlife Service will proceed on a progressive basis between now and June 30, 1948, so that there will be no interruption of the important international work in which the Fish and Wildlife Service and the Department of State are involved.

I suggest that appropriate officers of the Department of State and of the Department of the Interior immediately discuss the question of obtaining funds to enable the Fish and Wildlife Service to carry on the added duties and responsibilities during the fiscal year 1949. It is understood that the Department of State will be able to transfer some funds so that the Fish and Wildlife Service can assume the additional work involved during the remainder of the current fiscal year.

I confidently hope that the handling of international fishery and wildlife matters will be facilitated by the new distribution of functions between our respective Departments.

Sincerely yours,

J. A. KRUG
Secretary of the Interior

May 2, 1948

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